

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 2, 2005

(Published September 10, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
September 2, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held August 19, 2005 and the Adjourned Session of August 19, 2005. Seconded.

Adopted upon a voice vote 9/2/05.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 9/2/05.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

GRANTS AND SPECIAL PROJECTS (270629)  
2004 Consolidated Annual Performance and Evaluation Report.

#### COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270630)  
2004 Annual Tax Increment Disclosure Report.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270631)

Tax Forfeit Land: Acquire from Hennepin County list the property at 2525 James Av N and authorize release of other properties.

Sale of Property at 3346 Fremont Av N (HOW/HOME Program): Approve sale to Lisa L. Burt.

YMCA of Metropolitan Minneapolis Project: Issuance of revenue bonds up to \$5,000,000.

Seed Academy Harvest Preparatory School Project (1300 Olson Memorial Highway): Issuance of up to \$7,000,000 in revenue bonds.

Minneapolis Housing Replacement Tax Increment Financing District II: Approve addition/deletion of properties.

Franklin Portland Gateway Phase III (The Wellstone): Authorize staff to continue project analysis.

Capital Acquisition Loan Program: Approve extension of program and execution of advance commitment agreements.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270632)

St. Anthony Mills Apartments (SAMA): Establish tax increment finance district, modification to Industry Square Redevelopment Plan and Common Plan, redevelopment contract and loan from Affordable Housing Trust Fund.

Hennepin County Environmental Response Fund Grants: Accept grants for 415-417 Taylor St NE and Van White Memorial Blvd.

Minneapolis Consortium of Community Developers: 5th Amendment to contract to extend partnership to include the Emerging Small Business Loan Guarantee Program.

PURCHASING (270633)

Bid for Removal and Disposal of Contaminated Soil: Accept low bid of Glenn Rehbein Excavating, Inc.

**HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (270634)

Senior Citizen Advisory Committee: Appoint Peter Michael Johnson, Ward 3, to fill the unexpired term of Rita Edgar to expire December 31, 2005.

Health Insurance Portability and Accountability Act (HIPAA): Authorize Department of Health & Family Support to execute Business Associate Agreements with governmental, community or other entities to share protected health information collected as part of the Twin Cities Healthy Start Program; and Authorize Commissioner of Health, or a designated deputy, to sign agreements on behalf of the City.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (270634.1)

All Kids and Families Project at New Family Center: Accept \$125,000 from Children's Defense Fund to assist families with immunizations, applications for health insurance, and referrals to medical and other community services; and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (270635)

2006 Capital Bonding Evaluation Criteria.

Metropolitan Council's Proposed Changes to the Service Availability Charge Credit System: Directive to make recommendations to modify proposed changes.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

POLICE DEPARTMENT (270636)

Police 2006 Hiring and Recruitment Plan.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (270637)

Abatement of Offensive Conditions and Vegetation: Ordinance allowing Housing Inspection Services to send a general notification to property owners for nuisance violations relating to tall grass and/or rubbish observed within 12 months after a property owner has received a prior violation notice to remove offensive matter or to correct nuisance conditions; and assessing a double administrative fee for the second and subsequent authorized removal of the nuisance condition in a 12-month period.

Chapter 249 Property at 1505 & 1507 4th St S: Authorize demolition, to be stayed to December 31, 2005, subject to conditions.

**LICENSES AND CONSUMER SERVICES (270638)**

Wolfgang Puck Catering (1750 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

Licenses: Applications.

**POLICE DEPARTMENT (270639)**

Automated Pawn System: Issue Request for Proposals to identify a point-of-sale software company capable of providing and supporting a software program that meets requirements.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**LICENSES AND CONSUMER SERVICES (270640)**

2006 License Fees: Amend Appendix J of Code to increase license fees by 3%.

**POLICE DEPARTMENT (270641)**

Minnesota Gang Strike Force: Amend grant agreement with State of Minnesota to increase amount by \$86,700 to fund one captain and up to six officers on Metro Gang Strike Force for additional six months; and Approve appropriation.

Auto Theft Prevention Program: Accept grant award of \$350,131 and execute two-year grant agreement with Minnesota Department of Public Safety to prosecute auto thieves and disseminate information on Police Department's "bait vehicles"; and Approve appropriation.

Forensic Interview Services: Issue Request for Proposals for services when needed to interview children and vulnerable adults who are victims of crime.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (270642)**

Water and Sewer Service Line Repairs: Set assessment public hearing for 10/25/05.

Snow and Ice Removal from Public Sidewalks: Set assessment public hearing for 9/27/05.

Sidewalk Repair and Construction: Set assessment public hearing for 10/11/05.

Stormwater Utility Status Update: Receive and file report.

Access to Destinations: Receive and file report.

Southwest Corridor Alternatives Analysis: Receive and file report.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 2<sup>nd</sup> Quarter, 2005. (See Petn. No. 270535.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270643)**

Chicago Plaza Mall: (a) Transfer parcel from CPED to Public Works operational control; (b) Passage of Ordinance establishing Chicago Avenue Mall; and (c) Approve appointments to the Chicago Avenue Mall Advisory Board; with comments.

**LICENSES AND CONSUMER SERVICES (270644)**

Block Event Appeal: Grant appeal of Mercado Central for a block event on 9/15/05; with comments.

**PUBLIC WORKS AND ENGINEERING (270645)**

Central Avenue Special Service District Advisory Board: Approve appointments and reappointments.

Chicago Avenue Special Service District Advisory Board: Approve appointment and reappointments.

Dinkytown Special Service District Advisory Board: Approve appointments and reappointments.

South Hennepin Avenue Special Service District Advisory Board: Approve appointment and reappointments.

Uptown Special Service District Advisory Board: Approve appointments and reappointments.

Stadium Village Special Service District Advisory Board: Approve appointments and reappointments

Linden Hills Special Service District Advisory Board: Approve appointments and reappointments.  
Hennepin Theater Special Service District Advisory Board: Approve appointments.  
Nicollet Avenue South Special Service District Advisory Board: Approve appointments and reappointments.

**PUBLIC WORKS AND ENGINEERING (270646)**

Sale of City-Owned Vacant Land at 1910 Plymouth Av N: Public hearing held and sale approved.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (270647)**

15th Av SE Street Lighting Project (5th St to Como Av): a) Order work to proceed and adopt special assessments; b) Give preliminary approval to project; c) Increase appropriation and revenue for the project by \$212,000; and d) Request Board of Estimate and Taxation to issue and sell assessment bonds; with comments.

Chicago Avenue Streetscape Project: Authorize negotiation with private property owners to acquire easements and right-of-way.

Nicollet Mall Lighting Upgrades: Approve three change orders to contract with Kilmer Electric Company.

Public Works Interagency Coordinator Position: Authorize granting up to Step 6 of the salary scale.

Bid: OP No. 6486, Accept bid of Fortran Traffic Systems Limited to furnish traffic signal communication equipment.

**WAYS AND MEANS BUDGET:**

**COORDINATOR (270648)**

New Central Library Project: Change Management Actions - Receive and File.

**FINANCE DEPARTMENT (270649)**

2004 Employee Survey Final Report: Receive and File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (270650)**

Domestic Abuse Project: Authorize contract between the City and the Domestic Abuse Project for period June 1, 2005 through December 31, 2005, for domestic abuse advocacy services and to waive requirements for issuance of RFP for such services.

Legal Settlements: a) Tramesha Lindsey; b) Larry O'Neal; and c) Gerald Starr.

Online Legal Research Services: Authorize issuance of RFP for online legal research services.

**CITY CLERK (270651)**

City Phone Directory: Accept funds in the amount of \$1,600 from the City-County Federal Credit Union to pay for partial costs towards the City Phone Directory; Appropriate funds received.

Electronic Communication Policy: Approve revised Electronic Communication Policy; Receive and File procedures.

**COMMUNICATIONS (270652)**

Minneapolis Telecommunication Network (MTN) Board of Directors: Approve appointment of Andrew Hedden, Ward 11.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270653)**

MN Historical Society Grant: a) Accept funds in the amount of \$625 from the State Historic Preservation Office to allow heritage Preservation Commissioners and staff to attend the 2005 Statewide Historic Preservation Conference; b) Appropriate funds received; and c) Authorize staff to enter grant agreement with MN Historical Society.

**HUMAN RESOURCES (270654)**

Unused & Forfeited Minneflex Funds: Authorize staff to appropriate 2002, 2003, and 2004 unused/forfeited Minneflex Funds totaling \$79,160.21 for all FSA related benefits administration expenses; Authorize future years' forfeited funds for this purpose.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (270658)

Rezoning:

Mathwig Development (110-6th ST NE, 110-112-6th St NE & 509-1st Ave NE): Application withdrawn.

**ZONING AND PLANNING (See Rep):**

INSPECTIONS/BOARD OF ADJUSTMENT (270655)

Appeal:

Kathleen & Chris Morton (re Eibenstiner property, 4849 Morgan Ave S).

HERITAGE PRESERVATION COMMISSION (270656)

Appeal:

CW Lofts, LLC (re Cream of Wheat Building, 730 Stinson Blvd NE).

HPC: Appointments of Amy Ollendorf & Linda Messenger.

PLANNING COMMISSION/DEPARTMENT (270657)

DeLaSalle High School (One DeLaSalle Pl, Nicollet Island): Determination of need for an Environmental Assessment Worksheet for proposed athletic facility.

Mpls Plan for Arts & Culture.

Vacation:

Augsburg College (2424 & 2428 Butler Pl & 2405, 2425 & 2431 Riverside Ave).

**PLANNING COMMISSION:**

DUNWOODY COLLEGE OF TECHNOLOGY (270659)

Permission to vacate right-of-way Colfax Ave, Ontario Ave, East half of Dupont Ave as dedicated in the plat of Groveland Addition to Minneapolis.

**UNFINISHED BUSINESS:**

ATTORNEY (270660)

Civilian Police Review Authority: Memorandum detailing changes to substitute ordinance regarding mediation.

LICENSES AND CONSUMER SERVICES (270661)

Town Talk Diner (2707 E Lake St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

**FILED:**

POLICE DEPARTMENT - License Division (270662)

Automated Pawn System (APS) - U S Trademark Registration certificate.

*The following reports were signed by Mayor Rybak on September 8, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration notification from Hennepin County of non-conservation tax forfeited properties that are available for public or private sale and having received a recommendation from the Community Planning & Economic Development (CPED) Department that the City purchase one tax forfeit property from the County, now recommends:

- a) Approval for the acquisition of 2525 James Av N (PID #16-029-24-21-0035), legally described as Lot 002, Block 003, Forest Heights;
  - b) Passage of the accompanying resolution approving the purchase of said property and the release of other parcels for public auction;
  - c) That the proper City officers be authorized to sign an application for title registration to be filed pursuant to Minnesota Statutes, Chapter 508.034(6).
- Adopted 9/2/05.

Resolution 2005R-488, approving the purchase and conveyance of certain forfeited land in the City and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and City Clerk, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-488**  
**By Goodman**

**Approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk.**

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcel located at 2525 James Avenue North, 16-029-24-21-0035, legally described as Lot 002, Block 003 "Forest Heights", be purchased by and conveyed to the City of Minneapolis pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1b and be classified as non conservation land;

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction.

PID Number Address	Lot Size	Ward	Date of Forfeit	Current Use	Zoning	Legal Description
01-028-24—23-0187 3307 Cedar Ave.	8x12 5	Y 9	5/26/05	Vac. Land	R2B	North 8 feet of South 33 feet, Lot 011, Block 028 Minnehaha Addition to Minneapolis
03-028-24-23-0098 3216 Garfield Av. S.	42X120	Y 10	5/26/05	Vac, boarded SF home	R2B	Lot 005, Block 012 Motor Line Addition to Minneapolis
12-028-24-12-0118 3805 – 24th Ave. S.	40X122	N	5/26/05	Vacant Cml land	C1	Lot 029, Block 004 "Robert Blaisdells Addition to Minneapolis"
14-028-24-23-0100 4815 Oakland Ave.	37X119	N8	5/26/05	Vac. Land	R1A	Lot 013, Block 003 Dunsmoor's Fifth Addition to Minneapolis

## SEPTEMBER 2, 2005

---

04-029-24-14-0210 4055 Lyndale Av. N.	40X121 N	5/26/05	Occ. Apt. Bldg.	R2B	That part of Lot 134 laying West of the East 4 feet thereof auditor's subdivision No. 198 Hennepin County, Minn
08-029-24-41-0177 3123 Russell Av. N.	42X127 Y	5/26/05	Occupied Duplex	R4	Lot 002 Seallum Gates Addition to Minneapolis
09-029-24-32-0185 2935 Newton Av. N.	42X127 Y	5/26/05	Vacant Duplex	R2B	Lot 006, Block 003 "Supplement to Forest Park Addition to Minneapolis"
09-029-24-43-0045 2623 Dupont Av. N.	42X127 Y	5/26/05	Vacant Duplex	R2B	Lot 002, Block 020 Fairmount Park Addition to Minneapolis
10-029-24-22-0024 3518 – 4th St. N.	40X157 N	5/26/05	Vacant SF	R1A	Lot 020, Block 003 "Nichols-Frissell Co.'s Stewart Heights Addition to Minneapolis"
15-029-24-22-0183 2411 - 4th St. N.	42X127 Y	5/26/05	Vacant Land	R2B	Lot 006, Block 005 Woodland Park
21-029-24-31-0044 418 Logan Ave. N.	33X126 Y	5/26/05	Vacant/Boarded	R1A	Lot 017, Block 009 SF Home Maben, White, and LeBron's addition to Minneapolis Minnesota
14-028-24-14-0023 4809 Bloomington	127X124N	6/23/05	Occupied Duplex	R3	Lot 008 "Hegg's addition to Minneapolis Minnesota"
17-029-24-41-004 2217 Golden Valley Rd.	39X125 Y	6/23/05	Vacant/Boarded	C1	Lot 005, Block 001 Cml Bldg Eastlawn Addition to Minneapolis
17-029-24-41-0005 2221 Golden Valley Rd.	76X126 Y	6/23/05	Vacant/Boarded	C1	Lots 6 and 7, Block Cml Bldg 001 Eastlawn Addition to Minneapolis
21-029-24-22-0048 1031 Newton Av. N.	63X126 Y	6/24/05	Vacant Land	R2B	Lot 7 and North ½ of Lot 8, Block 026 "Oak Park Addition to Minneapolis"
09-029-24-41-0021 2930 Aldrich Av. N.	40X124 Y	6/24/05	Vacant Land	R2B	Lot 023, Block 001 "Harmony Terrace"
16-029-24-11-0132 2404 Dupont Av. N.	25X157 Y	6/24/05	Vacant Land	R2B	South ½ Lot 009, Block 16 Highland Park Addition to the City of Minneapolis

---

16-029-24-23-0041 2009 Illion Ave. N.	50X90 Y	6/24/05 Vacant Land	R5	Northeasterly 45 feet of - Commercial Lots 51 and 52, Block 019 "Forest Heights"
--	---------	---------------------	----	---

Be It Further Resolved that the City is authorized to file an application for title registration on all tax forfeited properties signed by the Mayor and the City Clerk pursuant to Minnesota Statutes, Chapter 508.03(6)

Adopted 9/2/05.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3346 Fremont Av N to Lisa L. Burt for \$150,500, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 9/2/05.

Resolution 2005R-489, authorizing the sale of 3346 Fremont Av N, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-489**  
**By Goodman**

**Authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME-66**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase Disposition Parcel HOME-66, in the HOME Program, from Lisa L. Burt, hereinafter known as the Purchaser, the Parcel HOME-66, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

Lot 25, Block 2, Silver Lake Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$150,500, for Parcel HOME-66 to the City for land and improvements. This offer is in accordance with the City's Homeownership Works Program; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on August 12, 2005, a public hearing on the proposed sale was duly held on August 23, 2005 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$150,500 for Parcel HOME-66.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved CPED disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Homeownership Works Program.



Be It Further Resolved that the proposal is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City

Adopted 9/2/05.

**Comm Dev** - Your Committee, having under consideration the issuance of revenue bonds for the YMCA of Minneapolis for various construction, renovation and equipment purchases for their facilities in the metropolitan area and, having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$5,000,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency Revenue Bonds for the YMCA of Metropolitan Minneapolis project.

Adopted 9/2/05.

Resolution 2005R-490, authorizing issuance of revenue bonds for the YMCA of Metropolitan Minneapolis project, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-490**  
**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of The Young Men's Christian Association of Metropolitan Minneapolis (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$5,000,000 (the "Bond") to finance various construction, renovation, equipment and related costs incurred or to be incurred by the Company with respect to various administrative office, community program and health enhancement facilities located in Minneapolis and other cities in the metropolitan area (the "Project"); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota corporation;

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest either at a variable interest rate expected to not exceed 75% of the sum of the one-month LIBOR plus 150 basis points, or at a fixed interest rate expected to not exceed 5.50% per annum, shall have a final maturity date not later than December 1, 2020, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$5,000,000 for the purpose of financing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 9/2/05.

**Comm Dev** - Your Committee, having under consideration the issuance of revenue bonds for the Seed Academy and Harvest Preparatory School at 1300 Olson Memorial Highway for refunding of outstanding bonds and to provide capital funding for building improvements and, having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$7,000,000 in 501(c)(3) Tax-exempt Revenue Bonds for Seed Academy Harvest Preparatory School Project.

Adopted 9/2/05.

Resolution 2005R-491, authorizing issuance of revenue bonds for the Seed Academy Harvest Preparatory School Project, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-491**  
**By Goodman**

**Reciting a proposal for a public (charter) school project giving preliminary approval to the project pursuant to the Minnesota Municipal Industrial Development Act authorizing the submission of an application for approval of said project to the Minnesota Department of Employment and Economic Development and authorizing the preparation of necessary documents and materials in connection with said project**

(Seed Academy Harvest Preparatory Project)

Whereas, pursuant to Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds for the purpose of financing real and personal property, whether or not now in existence, which property is used or useful in connection with a revenue producing enterprise, whether or not operated for profit; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration;

Whereas, Seed Daycare, a Minnesota nonprofit corporation (the "Company"), has proposed that the City issue its lease revenue bonds, to be issued in one or more series, in the approximate total principal amount estimated not to exceed \$7,000,000 (the "Bonds") to finance a project consisting of renovation to the existing public (charter) schoolhouse that is located at 1300 Olson Memorial Highway, Minneapolis, Minnesota, for use as a public charter school (the "Project"). The Project is owned by the Company and leased to and operated by Harvest Preparatory Charter School, Inc. and Hmong Academy, both Minnesota nonprofit corporations (the "Schools"). Proceeds of the Bonds shall also be applied to refunding the City's outstanding \$4,600,000 Revenue Bonds (Seed Academy Harvest Preparatory Project) Series 1998 and the payment of certain other indebtedness of the Company, the proceeds of which were used for capital costs related to the Project; and

Whereas, the full faith and credit of the City will not be pledged to the Project or for the payment of the principal of, premium, if any, and interest on the Bonds; and

Whereas, the Company's proposal calls for the City to loan the proceeds realized upon the sale of the Bonds to the Company pursuant to a revenue agreement wherein the Company will be obligated to make payments at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by the expansion of public charter school facilities in the City; and

Whereas, a public hearing on the Project was held on August 23, 2005 following duly published notice. The general nature of the Project and an estimate of the aggregate principal amount of bonds to be issued to finance the Project were described in the notice of public hearing; and

Whereas, no public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

The Council hereby gives preliminary approval to the proposal of the Company that the City undertake the Project pursuant to the Act and to a revenue agreement between the City and Company, upon such terms and conditions with provisions for revision from time to time as necessary, so as to produce income and revenues sufficient to pay, when due, the principal of and interest on the Bonds in the total principal amount estimated not to exceed \$7,000,000 to be issued pursuant to the Act to finance the purposes described above.

On the basis of information available to this Council it appears, and the Council hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises within the meaning of Subdivision 2(b) of Section 469.153 of the Act; that the Project furthers the purposes stated in Section 469.152 of the Act; that the availability of financing under the Act and the willingness of the City to furnish such financing will be a substantial inducement to the Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the development of economically sound industry and commerce, to assist in the prevention of the emergence of blighted and marginal land, to help provide charter school facilities, to help prevent chronic unemployment, to help retain and improve the tax base and to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the State and to areas within the State where their services may not be as effectively used, to promote more intensive development and use of land within the City and eventually to increase the tax base of the community.

Best & Flanagan LLP, acting as bond counsel, is authorized to assist in the preparation and review of the necessary documents relating to the Project, to consult with the City, the Company, the original purchaser or purchasers of the Bonds, and their respective attorneys, as to the maturities, interest rates and other terms and provisions of the Bonds and as to the covenants and other provisions of the revenue agreement and other necessary documents and to submit such documents to the Council for final approval.

In accordance with Subdivision 3 of Section 469.154 of the Act, the Finance Officer of the City is hereby authorized and directed to submit the proposal for the Project to the Minnesota Department of Employment and Economic Development ("DEED") and to request its approval, and the other officers, employees and agents of the City are hereby authorized to provide DEED with such preliminary information as it may require.

The Company has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion and whether or not the Project is approved by DEED will be paid by the Company.

Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City, except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City

to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

The adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the final resolution authorizing the issuance of such Bonds should the City so determine.

Adopted 9/2/05.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution amending the Minneapolis Housing Replacement Tax Increment Financing District II by adding/deleting the following properties:

Add to District

2542 17th Av S

2826 14th Av S

1919 Monroe St NE

3504 Longfellow Av S

Delete from District

2340 Sheridan Av N

Adopted 9/2/05.

Resolution 2005R-492, adding/deleting parcels to or from the Minneapolis Housing Replacement Tax Increment Financing District II, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-492**

**By Goodman**

**Adopting the Addition to and Deletion from the Housing Replacement District II of the Below Stated Parcels.**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2 By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3 That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4 It has been proposed that the City add four parcels to the District and delete one parcel previously added to the District.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that these four parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City.

2.2 The Council further finds, determines and declares that the properties to be deleted from the District include one blighted single family home located at 2340 Sheridan Avenue North.

2.3 The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4 The Council further finds, determines and declares that the properties to be added to and certified within the District includes four vacant lots located at 2542 17th Avenue South, 2826 14th Avenue South, 1919 Monroe Street NE and 3504 Longfellow Avenue South

2.5 The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.6 The Council further finds, determines and declares that there will be 36 parcels in the Minneapolis Housing Replacement District TIF II with the inclusion and deletion of the above named parcels. The maximum number of parcels that can be included in the District is 100 parcels.

Be It Further Resolved that the parcels listed above are hereby approved for inclusion and/or deletion as part of the Minneapolis Housing Replacement TIF District II.

Adopted 9/2/05.

**Comm Dev** - Your Committee recommends that the proper City staff be authorized to continue analysis of the Franklin-Portland Gateway Phase III Project - The Wellstone.

Adopted 9/2/05.

**Comm Dev** - Your Committee, having under consideration the Capital Acquisition Loan Program (CAL) that enables small business owners to purchase and rehabilitate small commercial and industrial properties and a request to extend the program, now recommends approval of the extension of the CAL Program and authorization for the proper City officers to enter into appropriate Advance Commitment Agreements.

Adopted 9/2/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the St. Anthony Mills Apartments (SAMA) Project and tax increment financing assistance, final approval of housing revenue bonds and approval of a loan from the Affordable Housing Trust Fund, now recommends:

1) Passage of the accompanying resolution adopting the SAMA Tax Increment Finance Plan, Modification No. 20 to the Industry Square Redevelopment Plan and Modification No. 105 to the Common Plans;

2) Approval of the proposed redevelopment contract business terms (as described in Petn No 270632);

3) Passage of the accompanying resolution giving final approval to the issuance of up to \$9,100,000 in Housing Revenue Bonds for the SAMA Project;

4) Approval of a loan of \$200,480 from the Affordable Housing Trust Fund;

5) That the proper City officers be authorized to execute a redevelopment contract and loan documents with BD St. Anthony Mills LP, Brighton Development Corporation or an affiliated entity as its general partner, based on the terms set forth in Petn No 270632, and all other necessary documents related to said actions;

6) Approval of the 2006 budget for the SAMA Tax Increment District in the amount of \$49,725 and referral of the matter to the 2006 budget process.  
Adopted 9/2/05.

Resolution 2005R-493, adopting the St Anthony Mills Apartments (SAMA) Tax Increment Finance Plan, Modification No. 20 to the Industry Square Redevelopment Plan and Modification No. 105 to the Common Plans, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-493**  
**By Goodman and Johnson**

**Adopting the St. Anthony Mills Apartments (SAMA) Tax Increment Finance (TIF) Plan, Modification No 20 to the Industry Square Redevelopment Plan, and Modification No 105 to the Common Plans.**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2 By Resolution duly adopted August 31, 1973, amended October 26, 1973 and December 28, 1973, the city approved the Industry Square Redevelopment Plan; the Industry Square Redevelopment Plan was subsequently modified by Modifications 1 through 19 (the "Industry Square Plan"). By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment and Common TIF Plan (the "Common Plans"). The project area established by the Industry Square Plan (the "Project Area") is geographically located within the project area established by the Common Plans (the "Common Project"). The parcels included in the proposed modifications to the Industry Square Plan and Common Plans are intended to remain within the existing Project Area, but the new tax increment financing district is not being incorporated into the Common Project and will not be subject to the existing Common Project obligations and commitments. Rather, it is being created as a free-standing tax increment district.

1.3 It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new St. Anthony Mills Apartments (SAMA) TIF Plan and proposed Modifications to the Industry Square Plan and the Common Plans (together, the "Plans"). The Plans authorize the creation of a new housing tax increment finance district (the "TIF District"), designate property to be included within the boundaries of the proposed TIF District, authorize public redevelopment activities, and establish a budget for expenditures, all pursuant to and in accordance with the Project Laws.

1.4 The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans; Creation of TIF District

2.1 The Council finds, determines and declares that the TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. The proposed TIF District is located within the Industry Square Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.2 The Council finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. Additional City housing policies were contained in a number of documents which were approved at various times for specific reasons. Council action on June 18, 2004 adopted a Unified City of Minneapolis Housing Policy by Resolution 04R-260. This Policy states that new housing developments shall be consistent with The Minneapolis Plan, goals 4.9.1 through 4.19. The SAMA development is consistent with goals 4.9, 4.10, 4.11, 4.12, and 4.16 of The Minneapolis Plan.

2.3 The Council defines low income housing as housing affordable to families with incomes below 80 percent of the MMI family income, and moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the MMI family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.002, Subdivision 18, defines moderate income persons as "persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means".

2.4 The Council finds, determines and declares that the SAMA development satisfies the income requirements for a housing TIF district in accordance with Minnesota Statutes, Section 469.1761, Subdivision 3. Seventeen units will be occupied by individuals whose income is 30 percent or less of the area median gross income. Income guidelines will be monitored for the life of the district, as the requirements of this subdivision apply for the duration of the TIF district. The proposed TIF district includes new construction of 93 units, 85 of which will be affordable to individuals and families earning at or below 60% MMI. Seventeen of the 93 rental units will have project-based Section 8 assistance affordable at or below 30% of MMI and 8 units will be market rate units. Since there will be 85 units at or below 60% of MMI, the project complies with the City Unified Housing Policy, which would require at least 19 units (20% of the total) of 93 units. It is found that the proposed project meets income requirements for a housing TIF district, and the establishment of the SAMA TIF District is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.5 The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed development to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 16. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.6 The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. The project reflects a number of key Minneapolis Plan policies related to fulfillment of affordable housing needs. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.7 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed redevelopment removes blighting influences and provides affordable rental housing opportunities for low and moderate income households. Adoption of the Plans is essential in order to finance a portion of the public redevelopment activities necessary to subsidize the extraordinary cost of providing affordable housing at this site. Rental revenue from the project to fund traditional financing in the amount necessary to build the SAMA development is not sufficient to amortize the entire cost of site assembly, site work and new construction. The value of the TIF financing will enable the SAMA development to offer a range of housing opportunities and is critical to ensuring the development is a financially viable long-term asset for the community. In addition, the TIF financing will be used to help the development support a higher amount of bond-backed debt. The proposed development meets the need for affordable housing in a location ideal for workers and convenient to public transportation, and demonstrates the compatibility of affordable rental with ownership housing in an area which has focused primarily on high-end ownership housing.

2.8 The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.9 The Council further finds, determines and declares that, based in part upon information provided by the developer, no more than 20% of the square footage of the buildings that receive assistance from tax increments consist of commercial, retail, or other non residential uses, and that the square footage of the residential portion of the project constitutes 94.9% of the total square footage of the buildings that receive assistance from tax increments in the SAMA TIF District, pursuant to Minnesota Statutes, Section 469.1761, Subdivision 1 (2).

2.10 The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the SAMA TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.11 The Council further finds public benefits will eliminate the blighting influence of a visible surface parking lot on Washington Avenue and will conceal a new publicly-owned parking ramp, increase the city's property tax base and provide affordable rental housing in a location ideal for workers convenient to public transportation.

2.12 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are consistent with the undertaking of a redevelopment project area and housing TIF district, all pursuant to and in accordance with the Laws.

2.13 The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

#### Section 3. Approval of the Plans

3.1 Based upon the findings set forth in Section 2, the SAMA TIF Plan establishing a new housing TIF district, the Modification to the Industry Square Redevelopment Plan and the Modification to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

#### Section 4. Implementation of the Plans

4.1 After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 9/2/05.

Resolution 2005R-494, granting final approval of up to \$9,100,000 in housing revenue bonds for the St. Anthony Mills Apartments (SAMA) Project, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-494**  
**By Goodman and Johnson**

**Authorizing the Issuance, Sale, And Delivery of its Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan - St. Anthony Mills Apartments Project), Series 2005, payable solely from revenues pledged pursuant to an Indenture And Financing Agreement; Authorizing the issuance, sale, and delivery of its Multifamily Housing Revenue Note (St. Anthony Mills Apartments Project), Subordinate Series 2005, payable solely from revenues pledged pursuant to a Note Agreement; Approving the Form of and Authorizing the Execution And Delivery Of The Bonds and the Note and Related Documents; Providing for the Security, Rights, and Remedies with Respect to the Bonds and the Note; Approving the Form of a Housing Program; and Establishing Compliance With Certain Reimbursement Regulations Under The Internal Revenue Code Of 1986, as amended; and Granting Approval for Certain Other Actions with Respect Thereto.**

Whereas, the City of Minneapolis, Minnesota (the "City"), is a municipal corporation and political subdivision duly organized and existing under its charter and the Constitution and laws of the State of Minnesota; and

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by issuing revenue bonds to finance or refinance multifamily housing developments located within the City, and as a condition to the issuance of such revenue bonds, adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act; and

Whereas, in the issuance of the City's revenue bonds and in the making of a loan to finance a multifamily housing development the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended; and

Whereas, BD St. Anthony Mills Limited Partnership, a Minnesota limited partnership (the "Borrower"), has requested that the City issue its revenue bonds and a revenue note under the Act and lend the proceeds thereof to the Borrower to finance the following: (i) acquisition and construction of an approximately 93-unit multifamily rental apartment development and facilities functionally related and subordinate thereto (the "Project") comprised of a five-story building located at the northwest corner of the intersection of Washington Avenue and Chicago Avenue in the City; and (ii) the payment of certain costs related to the issuance of the bonds and the note; and

Whereas, the Project is designed and intended to be used primarily for rental to and occupancy by persons and families of low and moderate income; and

Whereas, the City has prepared a housing program (the "Housing Program" or "Program"), a copy of which is on file with the City, to authorize the issuance by the City of up to \$9,100,000 in revenue bonds to refinance and finance the acquisition, construction, and equipping by the Borrower of the Project; and

Whereas, the Housing Program was prepared and submitted to the Metropolitan Council for its review; and

Whereas, a notice of public hearing (the "Public Notice") was published in Finance and Commerce, the official newspaper and a newspaper of general circulation in the City, with respect to: (i) the required public hearing under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); (ii) the Housing Program; and (iii) approval of the issuance of the Bonds, as hereinafter defined; and

Whereas, the Public Notice was published at least fifteen (15) days before the regularly-scheduled meeting of the Community Development Committee of the City Council of the City and on May 17, 2005, the Community Development Committee of the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, on (i) the Housing Program, (ii) the proposed issuance of the housing revenue bonds, in an aggregate principal amount not to exceed \$9,100,000, and (iii) the location and nature of the Project; and

Whereas, Pursuant to Resolution No. 2005-304, adopted by the City Council of the City on May 27, 2005, the City Council approved the Housing Program and provided preliminary approval for the sale and issuance of revenue bonds, in an aggregate principal amount not to exceed \$9,100,000, to assist in financing the Project; and

Whereas, the Borrower has requested that the City issue, sell, and deliver its Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan— St. Anthony Mills Apartments Project), Series 2005 (the “Bonds”), in the original aggregate principal amount not to exceed \$6,200,000 and its Multifamily Housing Revenue Note (St. Anthony Mills Apartments Project), Subordinate Series 2005 (the “Note”), in the original aggregate principal amount not to exceed \$2,900,000; and

Whereas, the proceeds derived from the sale of the Bonds will be loaned by the City to the Borrower pursuant to the terms of a Financing Agreement, dated on or after September 1, 2005 (the “Financing Agreement”), between the City, the Borrower, MMA Mortgage Investment Corporation, a Florida corporation (the “Mortgage Lender”), and the Trustee (as defined herein), whereby the City will apply the proceeds derived from the sale of the Bonds to fund a loan (the “Mortgage Loan”) by the Mortgage Lender to the Borrower, to be evidenced by a promissory note (the “Mortgage Note”) of the Borrower, secured by a mortgage lien (the “Mortgage”) on the Project and to be insured by the Federal Housing Administration (“FHA”), and upon endorsement of the Mortgage Loan by the FHA, the Mortgage Lender is to issue and deliver to the Trustee, as security for the Bonds, a security (the “GNMA Security”) issued by the Mortgage Lender and guaranteed as to timely payment of principal and interest by the Government National Mortgage Association (“GNMA”); and

Whereas, the Bonds will be issued under an Indenture of Trust, dated on or after September 1, 2005 (the “Indenture”), between the City and the trustee named therein (the “Trustee”), and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Project and the Financing Agreement; and (v) shall not constitute a general or moral obligation of the City; and

Whereas, the Note will be issued pursuant to the terms of a Note Agreement, dated on or after September 1, 2005 (the “Note Agreement”), between the City and the Borrower, whereby the proceeds derived from the sale of the Note to U.S. Bank National Association (the “Note Lender”) will be loaned from the City to the Borrower pursuant to the terms of the Note Agreement; and

Whereas, to secure the payments of principal and interest on the Note, the City will assign the Note Agreement to the Note Lender pursuant to an Assignment of Note Agreement, dated on or after September 1, 2005 (the “Assignment of Note Agreement”); and

Whereas, the Note and the interest on the Note: (i) shall be payable solely from the security pledged therefor; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Project and the Note Agreement; and (v) shall not constitute a general or moral obligation of the City.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The City acknowledges, finds, determines, and declares that the issuance of the Bonds and the Note are authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds and the Note, and the other actions of the City under the Indenture, the Financing Agreement, the Note Agreement, and this resolution constitute a public purpose and are in the best interests of the City. In authorizing the issuance of the Bonds and the Note for the financing of the Project and the related costs, the City’s purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low income residents of the City and otherwise furthering the purposes and policies of the Act.

2. The City understands that the Borrower will pay directly or through the City any and all costs (Including attorneys’ fees) incurred by the City in connection with the Program, whether or not the Project is completed, and whether or not the Bonds and the Note are issued.

3. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in one or more series in the maximum aggregate principal amount not to exceed \$6,200,000. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Bonds to be issued, in whole or in part, as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the forms in the Indenture on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, the terms of redemption of the Bonds, and variation from City policies regarding methods of offering conduit bonds) as the Finance Officer (the "Finance Officer"), in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

4. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Note in the maximum aggregate principal amount not to exceed \$2,900,000. The Note shall bear interest at the rate, shall be designated, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Note to be issued, in whole or in part, as a "tax-exempt obligation," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Note, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Note shall be substantially in the form on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Note, the stated maturity of the Note, the interest rate on the Note, the terms of redemption of the Note, and variation from City policies regarding methods of offering conduit notes) as the Finance Officer, in his discretion, shall determine. The execution of the Note with the manual or facsimile signature of the Finance Officer and the delivery of the Note by the City shall be conclusive evidence of such determination.

5. The Bonds shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Financing Agreement, and other funds pledged pursuant to the Indenture. The City Council of the City hereby authorizes and directs the Finance Officer to execute the Indenture, and to deliver the Indenture to said Trustee, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City and the Trustee as set forth therein.

All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

6. The Note shall be a special, limited obligation of the City payable solely from the revenues provided by the Borrower pursuant to the Note Agreement. The City Council of the City hereby authorizes and directs the Finance Officer to execute the Note Agreement and the Assignment of Note Agreement, and to deliver the Assignment of Note Agreement to the Note Lender, and hereby authorizes and directs the execution of the Note in accordance with the terms of the Note Agreement, and hereby provides that the Note Agreement shall provide the terms and conditions, covenants, rights, obligations, duties and agreements of the Borrower, the City and the Note Lender, as owner of the Note, as set forth therein.

All of the provisions of the Note Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Note Agreement shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

7. The Finance Officer is hereby authorized and directed to execute and deliver the Financing Agreement, the Tax Compliance Agreement, dated on or after September 1, 2005 (the "Tax Compliance Agreement"), between the City, the Borrower, the Trustee, and the Mortgage Lender, and the Bond Purchase Agreement, dated on or after September 1, 2005 (the "Bond Purchase Agreement"), between the City, Wells Fargo Brokerage Services, LLC (the "Underwriter"), and the Borrower. All of the provisions of the Financing Agreement, the Tax Compliance Agreement, and Bond Purchase Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Financing Agreement, the Tax Compliance Agreement, and Bond Purchase Agreement shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, the City shall enter into a Regulatory Agreement, dated on or after September 1, 2005 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

8. The Bonds shall be special, limited revenue obligations of the City, the proceeds of which shall be disbursed pursuant to the terms of the Indenture and the Financing Agreement, and the principal, premium, and interest on the Bonds shall be payable solely from the proceeds of the Bonds, the revenues derived from the Financing Agreement, and the other sources set forth in the Indenture.

9. The Note shall be a special, limited revenue obligation of the City, the proceeds of which shall be disbursed pursuant to the terms of the Note Agreement, and the principal, premium, and interest on the Note shall be payable solely from the proceeds of the Note, the security pledged pursuant to the Note Agreement, and other sources pledged by the Borrower.

10. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation") governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such bonds. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds.

The City expects that a portion of the costs of the Project will be expended prior to the date of issuance of the Bonds and the Note. The City reasonably expects to reimburse the Borrower for such expenditures from the proceeds of the Bonds and the Note after the date of issuance of the Bonds and the Note. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or the Note, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds or the Note, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed from the proceeds of the Bonds or the Note have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution.

Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing or the expenditures related to the Project to be financed from proceeds of the Bonds or the Note, other than pursuant to the issuance of the Bonds and the Note. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

11. The City has established a governmental program of acquiring purpose investments for qualified residential rental projects. The governmental program is one in which the following requirements of Section 1.148-1(b) of the Treasury Regulations relating to tax-exempt obligations shall be met: (i) the program involves the origination or acquisition of purpose investments; (ii) at least 95% of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions, 501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing; (iii) at least 95% of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption; and (iv) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing bonds of an issue that finances the program in an amount related to the amount of the purpose investment acquired from the obligor; and the City shall not waive the right to treat the investment as a program investment.

12. The Trustee is hereby appointed as Paying Agent and Bond Registrar for the Bonds. The Finance Officer is hereby appointed as Paying Agent and Bond Registrar for the Note.

13. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds and the Note, including a City Tax Certificate, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 with respect to the Bonds and with respect to the Note, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds and the Note. The City hereby approves the execution and delivery by the Trustee of the Indenture and all other instruments, certificates, and documents prepared in conjunction with the issuance of the Bonds that require execution by the Trustee. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel of the City, to prepare, execute, and deliver its approving legal opinions with respect to the Bonds and the Note.

14. The preparation of an official statement or other form of disclosure document (the "Disclosure Document") in conjunction with the offer and sale of the Bonds is hereby authorized. When approved by the Finance Officer, the Disclosure Document is authorized to be distributed in conjunction with the offer and sale of the Bonds. The City hereby approves the Continuing Disclosure Agreement, dated on or after September 1, 2005 (the "Continuing Disclosure Agreement"), between the Borrower and the Trustee, in the form now on file with the City, and hereby authorizes the Trustee to execute and deliver the Continuing Disclosure Agreement.

15. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City Council of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds or the Note shall be personally liable on the Bonds or the Note or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds, the Note, or in any other document relating to the Bonds or the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Financing Agreement which are to be applied to the payment of the Bonds, as provided therein and in the Indenture, and funds and revenues derived from the Note Agreement which are to be applied to the payment of the Note, as provided therein.

16. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, any holder of the Bonds or Note issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holder from time to time of the Bonds or Note issued under the provisions of this resolution.

17. In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 5 or in the first sentence of Section 6 hereof, or of the aforementioned documents, or of the Bonds or the Note issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds or the Note, but this resolution, the aforementioned documents, and the Bonds and the Note shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

18. The Bonds and the Note, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the Note and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and the Note, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

19. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, the Bonds, and the Note for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the Note, the aforementioned documents, and this resolution. If for any reason the Finance Officer is unable to execute and deliver the documents referred to in this Resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Finance Officer with the same force and effect as if such documents were executed and delivered by the Finance Officer.

20. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds and the Note, whether or not the Bonds and Note are issued, including any costs for attorneys' fees.

21. This Resolution shall be in full force and effect from and after its approval and publication.  
Adopted 9/2/05.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #6490 from Glenn Rehbein Excavating, Inc. in the amount of \$200,942 to furnish all labor,

materials, equipment and incidentals necessary for the removal of contaminated soil at 1300 N 2nd St and that the proper City officers be authorized and directed to execute a contract for said project all in accordance with our specifications.

Adopted 9/2/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a recommendation to accept and appropriate Hennepin County Environmental Response Fund Grants, now recommends:

1) That the proper City officers be authorized to accept grants the following grants:

415-417 Taylor St NE, \$25,000 (A051162);

Van White Memorial Blvd, \$385,908 (A051173).

2) Passage of the accompanying resolution increasing the appropriation and revenue for the Community Planning and Economic Development (CPED) Agency by \$410,908 to reflect the receipt of said grants;

3) That the proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreement for said grants.

Adopted 9/2/05.

**RESOLUTION 2005R-495**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the CPED State Grants and Loans Fund (SMNO-890-8933) by \$410,908 and increasing the revenue source (SMNO-890-8490) by \$410,908.

Adopted 9/2/05.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute the Fifth Amendment to the contract with the Minneapolis Consortium of Community Developers (Contract #16980) extending the partnership to include the Emerging Small Business Loan Guarantee Program.

Adopted 9/2/05.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint Peter Michael Johnson (Ward 3) to the Senior Citizen Advisory Committee, to fill the unexpired term of Rita Edgar to expire December 31, 2005.

Adopted 9/2/05.

**H&HS** - Your Committee, having under consideration the Health Insurance Portability and Accountability Act (HIPAA), now recommends that the Department of Health & Family Support be authorized to execute Business Associate Agreements with governmental, community or other entities related to the sharing of protected health information collected as part of the federally funded Twin Cities Healthy Start Program, contingent upon approval of each agreement by the City Attorney's Office. Further, that the Commissioner of Health, or a designated deputy, be authorized to sign the agreements on behalf of the City.

Adopted 9/2/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**H&HS & W&M/Budget** - Your Committee, having under consideration the Covering All Kids and Families Project at the New Family Center, now recommends that the proper City Officers be authorized to accept an estimated amount of \$125,000 from the Children's Defense Fund to assist families with immunizations, applications for health insurance, and referrals to medical and other community services. Further, passage of the accompanying Resolution appropriating \$125,000 to the Department of Health & Family Support.

Adopted 9/2/05.

**RESOLUTION 2005R-496**  
**By Johnson Lee and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$125,000 and increasing the Revenue Source (060-860-8621 - Source 3720) by \$125,000.

Adopted 9/2/05.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** - Your Committee concurs in the recommendation of the Minneapolis Charter Commission that the accompanying ordinance amending Chapter 17 of the Minneapolis City Charter relating to the Library Board, adding a Section 17 pertaining to the authority of the Library Board to establish positions in the unclassified service, be adopted by unanimous vote, pursuant to Minn Statutes, Section 410.12, Subd 7.

Adopted 9/2/05.

Ordinance 2005-Or-074 amending Chapter 17 of the Minneapolis City Charter relating to the Library Board, adding a Section 17 pertaining to the authority of the Library Board to establish positions in the unclassified service, was adopted 9/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-074**  
**By Benson**  
**Intro & 1<sup>st</sup> Reading: 6/17/05**  
**Ref to: IGR**  
**2<sup>nd</sup> Reading: 9/2/05**

**Amending Chapter 17 of the Minneapolis City Charter relating to Library Board by adding a new Section 17 pertaining to the authority of the Library Board to establish positions in the unclassified service (Charter Amendment No. 160).**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 17 of the Minneapolis City Charter be amended by adding thereto a new Section 17 to read as follows:

Section 17. (a) *Authority to Establish Unclassified Positions in Library Board Service.* The library board has the authority to establish positions by ordinance in the unclassified service of the library board, notwithstanding any contrary provisions of the Minneapolis city charter, civil service rule, general law or special law.

(b) *Library Board to Establish Positions by Ordinance.* The library board may establish unclassified positions that meet the following criteria:



- (1) the person occupying the position must report to the director of the library or a library division director;
- (2) the person occupying the position must be part of the director's management team;
- (3) the duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of library board or department policy;
- (4) the duties of the position must not primarily require technical expertise where continuity in the position would be significant; and

The library board must adopt findings on whether the criteria in this section are met before an unclassified position is established. The library board shall establish the terms and conditions of employment for all unclassified positions.

(c) *Changes or Amendments to Established Unclassified Positions.* The library board must follow the process for establishing unclassified positions if the library board:

- (1) changes or alters the terms and conditions of employment for previously established unclassified positions;
- (2) establishes additional unclassified positions, even if the new positions are identical to an existing or a previously existing unclassified position; or
- (3) transfers an unclassified position from one library board department to another library board department.

No library board employees or officials other than the library board may establish, add, modify, transfer or eliminate any unclassified position.

(d) *Unclassified Positions Reported to Library Board.* Notwithstanding any charter provision, civil service rule, special law, general law, or any previous city practice or procedures to the contrary, all unclassified positions in the library board service shall be recorded by the director of the library. The director of the library shall report on a semi-annual basis to the library board on each unclassified position, what department each unclassified position is in, the incumbent employees in the unclassified positions, and all vacancies of unclassified positions.

Adopted 9/2/05.

**IGR** – Your Committee recommends adoption of the Capital Bonding Evaluation Criteria, set forth in Petn No 270635, an advisory document that will be used in evaluating and prioritizing the 2006 capital bonding requests.

Adopted 9/2/05.

**IGR** – Your Committee, having under consideration the Metropolitan Council's proposed changes to the Service Availability Charge (SAC) credit system, now recommends that staff from the Intergovernmental Relations, Community Planning & Economic Development and Public Works & Regulatory Services Departments be authorized to make recommendations to modify the Metropolitan Council's proposed changes to the SAC credit program, as set forth in Petn No 270635.

Adopted 9/2/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, allowing Housing Inspection Services to send a general notification to property owners for nuisance violations relating to tall grass and/or rubbish observed within 12 months after a property owner has received a prior violation notice to remove offensive matter or to correct nuisance conditions; and assessing a double administrative fee for the second and subsequent authorized removal of the nuisance condition in a twelve-month period, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/2/05.

Ordinance 2005-Or-075 amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, amending Section 227.100 to allow Housing

Inspection Services to send a general notification to property owners for nuisance violations relating to tall grass and/or rubbish observed within 12 months after a property owner has received a prior violation notice to remove offensive matter or to correct nuisance conditions; and assessing a double administrative fee for the second and subsequent authorized removal of the nuisance condition in a twelve-month period, was adopted 9/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-075**  
**By Niziolek, Benson and Zerby**  
**Intro & 1st Reading: 7/1/05**  
**Ref to: PS&RS**  
**2nd Reading: 9/2/05**

**Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 227.100 of the above-entitled ordinance be amended to read as follows:

**227.100. Abatement of offensive conditions and vegetation.** (a) When there exists on private property a condition which is in violation of section 227.90, a notice to remove the offensive matter or correct the nuisance condition shall be served by the chief of police, the chief of the fire department, director of inspections, commissioner of health, or their authorized representatives, upon the owner. Such notice may be served personally or may be served by mail. Such notice shall describe the matter to be removed and require removal thereof within three (3) days not to include Saturdays, Sundays or holidays following service of the notice. If at the end of said three (3) days following service of such notice the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition.

(b) For properties in which there have been two (2) or more notices issued to remove offensive matter or to correct nuisance conditions within the prior twelve (12) month period, compliance with section (a) shall not be required. For these properties, the second notice issued within a twelve (12) month period shall contain a general notice that the city may abate future violations of section 227.90 without providing additional specific notice of the violation. This general notice shall remain in effect for twelve (12) months from the date it is sent. This notice shall inform the owner that the costs incurred by the city will be assessed pursuant to the procedure set forth by this ordinance.

(c) Whether notice was provided pursuant to section (a) or section (b), All costs, including an administrative fee of seventy-five dollars (\$75), incurred by the city for the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one sum or by up to ten (10) equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this section. In cases where there have been ~~two (2)~~ one (1) authorized removals of offensive conditions and/or vegetation at a given site within any twelve-month period, the ~~third~~ second and subsequent abatement assessments shall have a double administrative fee until such time as no authorizations are required for a period of twelve (12) months.

(d) When the city causes the correction or removal and disposition of a nuisance under this section, the chief of police, the chief of the fire department, director of inspections, commissioner of health, or their authorized representatives shall mail to the owner a notice of intent to assess the costs of said action. Such notice shall state the amount and basis for the costs and the time, date and place of a hearing before a hearing officer appointed by the council to determine the validity and amount of the proposed assessment. The notice may require, as a prerequisite to an owner's challenge of an assessment, that the owner file written objections to the assessment no later than ~~ten (10)~~ fifteen (15) days before the hearing. The notice shall state that the owner may appeal the assessment to the district court within thirty (30) days after the adoption of the assessment by the council at an annual meeting.

The notice shall also inform the owner of the provisions of Minnesota Statutes Sections 435.193 to 435.195 and of the existence of any deferment procedure.

(e) "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or, if none, the person listed as owner by the city assessor on the homestead record, or, if none, the taxpayer as shown by the records of the city assessor.

Adopted 9/2/05.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, removing the prohibition against lurking with intent to "do any mischief", now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/2/05.

Ordinance 2005-Or-076 amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, amending Section 385.80 to remove the prohibition against lurking with intent to "do any mischief", was adopted 9/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-076**  
**By Zerby**  
**Intro & 1st Reading: 8/5/05**  
**Ref to: PS&RS**  
**2nd Reading: 9/2/05**

**Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 385.80 of the above-entitled ordinance be amended to read as follows:

**385.80 Lurking.** No person, in any public or private place, shall lurk, lie in wait or be concealed with intent to ~~do any mischief or to~~ commit any crime or unlawful act.

Adopted 9/2/05.

**PS&RS** - Your Committee, having under consideration the application of Cirque Du Soleil America Inc, dba Cirque Du Soleil America, 400 Kenwood Pkwy, for an On-Sale Liquor Class A with Sunday Sales License (new business to be operated as a theater in conjunction with a temporary big top circus to be held September 22, 2005 to October 23, 2005) to expire July 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/2/05.

**PS&RS** - Your Committee, having under consideration the application of Marissa's Inc, dba El Mariachi Restaurant, 2750 Nicollet Av #185, for an On-Sale Liquor Class E with Sunday Sales License (expansion of licensed premises to include outdoor seating area on private land) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/2/05.

**PS&RS** - Your Committee, having under consideration the application of Glenda Corporation, dba Mortimer's Bar and Restaurant, 2001 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of licensed premises to include two outdoor seating areas — one patio to the east

of the building in the rear; and another patio to the south) to expire October 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/2/05.

**PS&RS** - Your Committee, having under consideration the application of Wolfgang Puck Catering and Events LLC, dba Wolfgang Puck Catering, 1750 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (change in licensee) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 9/2/05.

Resolution 2005R-497, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-497**

**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Off-Sale Liquor, to expire October 1, 2006**

Skol Inc, dba Skol Liquors, 2500 27th Av S

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2006**

80 S 8th St Hotel Operations Inc, dba Vista Marquette Hotel, 701 Nicollet Mall

Promus Hotels Minneapolis Inc, dba Embassy Suites Hotel, 425 S 7th St

**On-Sale Liquor Class A with Sunday Sales, to expire September 24, 2005**

Minnesota Orchestral Association, dba Season Opening Festivities, 1111 Nicollet Mall (temporary expansion of premises with outdoor entertainment, September 14, 2005, 4:00 p.m. to 9:00 p.m.; September 15 - 17, 2005, 6:00 p.m. to 10:00 p.m.; and September 22 - 24, 2005, 6:00 p.m. to 10:00 p.m.)

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2005**

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av (new manager)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire September 17, 2005**

Keegan Pubs Inc, dba Keegan Pubs, 16 University Av NE (temporary expansion of premises with outdoor entertainment, September 16 & 17, 2005, 2:00 p.m. to 10:00 p.m.)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2006**

News Room Inc, dba News Room, 990 Nicollet Mall

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005**

Psycho Suzi's Motor Lounge LLC, dba Psycho Suzi's Motor Lounge, 2519 Marshall St NE (new manager)

Chevy's Uno LLC, dba Chevy's Fresh-Mex, 701 Hennepin Av

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006**

Morton's of Chicago/Mpls Inc, dba Morton's of Chicago, 555 Nicollet Mall

**Liquor Catering Services**

Lancer Management Services Inc, dba Lancer Catering, 350 S 5th St (new business)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2006**

La Que Buena Inc, dba La Que Buena, 1609 E Lake St

Al Vento Incorporated, dba Al Vento, 5001 34th Av S

**On-Sale Wine Class E, to expire April 1, 2006**

Patrick's French Bakery Inc, dba Patrick's Bakery & Cafe, 6010 Lyndale Av S

**Off-Sale Beer, to expire April 1, 2006**

A to Z Gas Stop Inc, dba Stop-N-Shop #2, 800 W Lake St

Crown Coco Inc, dba Old Colony EZ Stop, 1624 Washington Av N

Cedar Petroleum Inc, dba Stop-N-Shop, 1700 E Lake St

A to Z Gas Stop Inc, dba Stop-N-Shop #1, 3050 1st Av S

**On-Sale Beer Bottle Club, to expire April 1, 2006**

Wold-Chamberlain American Legion, dba Post #99, 5600 34th Av S

**Temporary On-Sale Beer**

Church of the Annunciation, dba Septemberfest, 509 W 54th St (September 9, 10 & 11, 2005 in parking lot).

Adopted 9/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 9/2/05.

Resolution 2005R-498, granting applications for Business Licenses, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-498**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 2, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270638):

Place of Amusement Class A; Car Wash; Caterers; Confectionery; Food Market Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Fuel Dealer; Gasoline Filling Station; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Combined Trades; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Swimming Pool - Public; Taxicab Service Company; Taxicab Vehicle; Tobacco Dealer; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 9/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 9/2/05.

Resolution 2005R-499, granting applications for Gambling Licenses, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-499**  
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Exempt**

Church of St. Philip, dba Church of St. Philip, 2507 Bryant Av N (Bingo, Raffle & Pulltabs September 11, 2005)

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffle & Pulltabs September 16, 17 & 18, 2005 at St. Helena School, 3200 E 44th St)

Northeast Minneapolis Chamber of Commerce, dba Northeast Minneapolis Chamber of Commerce, 2535 Central Av NE (Raffle September 29, 2005 at Jax Cafe, 1928 University Av NE)

Courage Center, dba Courage Center, 3915 Golden Valley Rd (Raffle October 8, 2005 at Varsity Theatre, 1308 4th St SE)

Church of St. John the Evangelist, dba Church of St. John the Evangelist, 6 Interlachen Rd, Hopkins (Raffle November 6, 2005 at International Market Square, 275 Market St)

Zonta Club of Minneapolis, dba Zonta Club of Minneapolis, 7640 Winnetka Heights Dr, Golden Valley (Raffle November 6, 2005 at International Market Square, 275 Market St)

MSAIA Architectural Foundation, dba MSAIA Architectural Foundation, 275 Market St (Raffle November 17, 2005 at Convention Center, 1301 2nd Av S)

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle November 26, 2005).

Adopted 9/2/05.

**PS&RS** - Your Committee, having under consideration the Automated Pawn System (APS), now recommends that the proper City Officers be authorized to issue a Request for Proposal to identify a point-of-sale software company capable of providing and supporting a software program that meets all APS point-of-sale software requirements, subject to review and approval by the Permanent Review Committee.

Adopted 9/2/05.

Approved by Mayor Rybak 9/6/05.

(Published 9/7/05)

**PS&RS** - Your Committee, having under consideration the property located at 1505 & 1507 4th St S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 11, Block 4, Atwaters Addition to Minneapolis (PID #26-029-24-14-0084), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Further, that said demolition be stayed until December 31, 2005, subject to the following conditions:

a. Upon completion of the sale of the property in November 2005, the new owner, or representative, agree to hire a demolition contractor, take out all necessary permits, and complete the demolition of the property as required under Chapters 249 and 117 of the Minneapolis Code of Ordinances.

b. If by December 31, 2005 the property has not been demolished according to Chapters 249 and 117 of the Code, then the City will proceed with the bid process for demolition and assess the cost to the property.

Adopted 9/2/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, increasing license fees by 3 percent to reflect inflationary increases since the end of 2004, to be effective for 2006 license fees, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/2/05.

Ordinance 2005-Or-077 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, increasing license fees by 3 percent to reflect inflationary increases since the end of 2004, to be effective for 2006 license fees, was adopted 9/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-077**  
**By Niziolek**  
**Intro & 1st Reading: 6/17/05**  
**Ref to: PS&RS & W&M/Budget**  
**2nd Reading: 9/2/05**

**Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees.**

The City Council of the City of Minneapolis do ordain as follows

Section 1. That Appendix J of the above entitled ordinance be amended to read as follows

**APPENDIX J LICENSE FEES SCHEDULE\***

License	Ordinance	2003 Fee	2004 Fee	2005 Fee	2006 Fee
ALCOHOLIC BEVERAGES					
Alcohol License Investigation Fee:	362.50(c), 363.50, 366.11		<del>\$500.00</del>	\$500.00	<u>\$500.00</u>
Liquor—On Sale					
Class A	362.50(a)		<del>\$8,873.00</del>	\$9,139.00	<u>\$9,413.00</u>
Class B	362.50(a)		<del>\$7,463.00</del>	\$7,687.00	<u>\$7,917.00</u>
Class C-1	362.50(a)		<del>\$7,001.00</del>	\$7,211.00	<u>\$7,427.00</u>
Class C-2	362.50(a)		<del>\$6,413.00</del>	\$6,605.00	<u>\$6,804.00</u>
Class D	362.50(a)		<del>\$5,705.00</del>	\$5,876.00	<u>\$6,052.00</u>
Class E	362.50(a)		<del>\$5,351.00</del>	\$5,512.00	<u>\$5,677.00</u>
Sunday Sales*	362.50(a)		<del>\$200.00</del>	\$200.00	<u>\$200.00</u>
Investigation Fee—On and Off Sale*	360.50(c)		<del>\$500.00</del>	\$500.00	<u>\$500.00</u>
Temp. On Sale Liquor					
<10,000 people/day	362.35(d)		<del>\$179.00</del>	\$184.00	<u>\$190.00</u>
Director Granted	362.35(d)		<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
>10,000 people/day	362.35(d)		<del>\$298.00</del>	\$307.00	<u>\$316.00</u>

# SEPTEMBER 2, 2005

Director Granted	362.35(d)	<del>\$447.00</del>	\$460.00	<u>\$474.00</u>
Temporary Entertainment	362.35(e)	<del>\$70.00</del>	\$72.00	<u>\$74.00</u>
Retained, Sunday Sale Denial	362.60(b)	<del>\$40.00</del>	\$41.00	<u>\$42.00</u>
Retained, Liquor On and Off Sale (withdrawn)	362.60(b)	<del>\$103.00</del>	\$106.00	<u>\$109.00</u>
Retained, Liquor On and Off Sale (denied)	362.60(b)	<del>\$309.00</del>	\$318.00	<u>\$328.00</u>
Temporary Expansion	362.50(e)	<del>\$136.00</del>	\$140.00	<u>\$144.00</u>
Director Granted Temporary Expansion	362.36(a)(5)	<del>\$204.00</del>	\$210.00	<u>\$216.00</u>
Temporary Outdoor Entertainment	360.100(b)(5)	<del>\$190.00</del>	\$196.00	<u>\$202.00</u>
Director Granted Temporary Outdoor Entertainment	362.36(a)(5)	<del>\$283.00</del>	\$291.00	<u>\$300.00</u>
Temporary Entertainment w/o Expansion	360.100(b)(5)	<del>\$136.00</del>	\$140.00	<u>\$144.00</u>
<u>Outdoor Entertainment, Temp.</u>				
<u>Without expansion</u>	<u>360.100(b)(5)</u>		<u>\$134.00</u>	<u>\$138.00</u>
Reapplication	362.90(b)	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
Liquor—Off Sale*	362.50	<del>\$1,000.00</del>	\$1,000.00	<u>\$1,000.00</u>
Liquor—Off Sale Malt				
Liquor—Growler	362.50	<del>\$1,000.00</del>	\$1,030.00	<u>\$1,061.00</u>
Food, Ice (Additional cost to Off-Sale Liquor)	362.50	<del>\$212.00</del>	\$218.00	<u>\$225.00</u>
Beer—On Sale				
Class A	366.60	<del>\$4,508.00</del>	\$4,643.00	<u>\$4,783.00</u>
Class B	366.60	<del>\$3,100.00</del>	\$3,193.00	<u>\$3,289.00</u>
Class C-1	366.60	<del>\$2,720.00</del>	\$2,802.00	<u>\$2,886.00</u>
Class C-2	366.60	<del>\$2,039.00</del>	\$2,100.00	<u>\$2,163.00</u>
Class D	366.60	<del>\$1,332.00</del>	\$1,372.00	<u>\$1,413.00</u>
Class E	366.60	<del>\$987.00</del>	\$1,017.00	<u>\$1,047.00</u>
Nonprofit Temporary	366.40(a)	<del>\$68.00</del>	\$70.00	<u>\$72.00</u>
Each Additional Day	366.40(a)	<del>\$35.00</del>	\$36.00	<u>\$37.00</u>
Temporary Expansion	366.60	<del>\$136.00</del>	\$140.00	<u>\$144.00</u>
Director Granted Temporary Expansion	366.40(e)	<del>\$204.00</del>	\$210.00	<u>\$216.00</u>
Beer—Off Sale	366.60	<del>\$176.00</del>	\$181.00	<u>\$187.00</u>
Wine—On Sale				
Class A*	363.50(a)	<del>\$2,000.00</del>	\$2,000.00	<u>\$2,000.00</u>
Class B*	363.50(a)	<del>\$2,000.00</del>	\$2,000.00	<u>\$2,000.00</u>
Class C-1*	363.50(a)	<del>\$2,000.00</del>	\$2,000.00	<u>\$2,000.00</u>
Class C-2*	363.50(a)	<del>\$2,000.00</del>	\$2,000.00	<u>\$2,000.00</u>
Class D	363.50(a)	<del>\$1,701.00</del>	\$1,752.00	<u>\$1,805.00</u>
Class E	363.50(a)	<del>\$1,360.00</del>	\$1,401.00	<u>\$1,443.00</u>
Temporary License/Nonprofit	363.41(d)	<del>\$136.00</del>	\$140.00	<u>\$144.00</u>
Temporary Expansion	363.50(a)	<del>\$136.00</del>	\$140.00	<u>\$144.00</u>
Special Expansion	363.41(d)	<del>\$204.00</del>	\$210.00	<u>\$216.00</u>
Wine On Sale with Beer (price of beer only)				
Add—Strong Beer	363.25(e)			
Class A		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Class B		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Class C-1		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Class C-2		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Class D		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Class E		<del>\$681.00</del>	\$701.00	<u>\$722.00</u>
Add—3.2% Beer	363.26(e)			
Class A		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>
Class B		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>
Class C-1		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>



Class C-2		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>
Class D		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>
Class E		<del>\$339.00</del>	\$349.00	<u>\$360.00</u>
Temporary On Sale Wine				
<10,000 people/day	363.41(d)	<del>\$179.00</del>	\$184.00	<u>\$190.00</u>
Director Granted	363.41(d)	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
>10,000 people/day	363.41(d)	<del>\$299.00</del>	\$308.00	<u>\$317.00</u>
Director Granted	363.41(d)	<del>\$447.00</del>	\$460.00	<u>\$474.00</u>
Temporary Entertainment	363.41(e)	<del>\$70.00</del>	\$72.00	<u>\$74.00</u>
Bottle Club				
On-Sale Liquor*	372.70	<del>\$340.00</del>	\$300.00	<u>\$300.00</u>
On-Sale Beer	372.70	<del>\$987.00</del>	\$1,017.00	<u>\$1,047.00</u>
AMUSEMENT DEVICES	267.600	<del>\$92.00</del>	\$95.00	<u>\$98.00</u>
Each Machine*	267.600	<del>\$15.00</del>	\$15.00	<u>\$15.00</u>
Replacement Decal	267.650	<del>\$2.00</del>	\$2.00	<u>\$2.00</u>
AMUSEMENT, PLACE OF				
Class A	267.860	<del>\$874.00</del>	\$900.00	<u>\$927.00</u>
Class B	267.860	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
Class C	267.860	<del>\$437.00</del>	\$450.00	<u>\$464.00</u>
ANTIQUE DEALER				
Class A	321.260(1)	<del>\$255.00</del>	\$263.00	<u>\$271.00</u>
Class B	321.260(2)	<del>\$255.00</del>	\$263.00	<u>\$271.00</u>
ANTIQUE MALL DEALER				
Class A	321.260(5)	<del>\$255.00</del>	\$263.00	<u>\$271.00</u>
Additional location	321.260(7)	<del>\$18.00</del>	\$19.00	<u>\$19.00</u>
Class B	321.260(6)	<del>\$68.00</del>	\$70.00	<u>\$72.00</u>
Additional location	321.260(7)	<del>\$18.00</del>	\$19.00	<u>\$19.00</u>
ANTIQUE MALL OPERATOR				
Class A	321.260(3)	<del>\$369.00</del>	\$380.00	<u>\$391.00</u>
Class B	321.260(4)	<del>\$369.00</del>	\$380.00	<u>\$391.00</u>
ASPHALT, SHINGLE & ROOFING MFG.	269.30	<del>\$1,071.00</del>	\$1,103.00	<u>\$1,136.00</u>
BED & BREAKFAST FACILITY	297A.30	<del>\$130.00</del>	\$134.00	<u>\$138.00</u>
BILLBOARD ERECTOR	277.2520	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
BILL POSTING AND SIGN				
PAINTING	277.2680	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
BILL POSTING, SIGN PAINTING/				
HANGER COMBINED	277.2680	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
BOWLING ALLEY				
1st Alley	267.420	<del>\$118.00</del>	\$122.00	<u>\$125.00</u>
Each Add'l	267.420	<del>\$30.00</del>	\$31.00	<u>\$32.00</u>
BOWLING, BILLIARDS, ALL NT	360.80	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
BUILDING WRECKER				
Class A & B	277.2280	<del>\$201.00</del>	\$207.00	<u>\$213.00</u>
Lowest Prorate Amt.	277.2280	<del>\$104.00</del>	\$107.00	<u>\$110.00</u>
BULK GAS AND OIL STORAGE	287.50	<del>\$510.00</del>	\$525.00	<u>\$541.00</u>
CARNIVAL				
0—9 Attractions, First Day	267.500(b)(1)	<del>\$118.00</del>	\$122.00	<u>\$125.00</u>
Each Add'l	267.500(b)(1)	<del>\$37.00</del>	\$38.00	<u>\$39.00</u>
10—19 Attractions, First Day	267.500(b)(2)	<del>\$194.00</del>	\$200.00	<u>\$206.00</u>
Each Add'l	267.500(b)(2)	<del>\$37.00</del>	\$38.00	<u>\$39.00</u>
20 or more Attractions, First Day	267.500(b)(3)	<del>\$386.00</del>	\$398.00	<u>\$410.00</u>
Each Add'l	267.500(b)(3)	<del>\$37.00</del>	\$38.00	<u>\$39.00</u>
CAR WASH	265.250	<del>\$214.00</del>	\$220.00	<u>\$227.00</u>
CHILDREN'S RIDES				
Each Per Week	267.70	<del>\$13.00</del>	\$13.00	<u>\$14.00</u>
CHRISTMAS TREES DEALER	279.40	<del>\$104.00</del>	\$107.00	<u>\$110.00</u>
CIRCUS				
To 14 Days	267.50	<del>\$446.00</del>	\$459.00	<u>\$473.00</u>
Each Add'l Day	267.50	<del>\$73.00</del>	\$75.00	<u>\$77.00</u>

# SEPTEMBER 2, 2005

COURTESY BENCH				
New	283.40	<del>\$43.00</del>	\$44.00	<u>\$46.00</u>
Renew	283.40	<del>\$23.00</del>	\$24.00	<u>\$24.00</u>
Transfer	283.240	<del>\$21.00</del>	\$22.00	<u>\$22.00</u>
DANCE HALL	267.1340	<del>\$385.00</del>	\$397.00	<u>\$408.00</u>
DANCING SCHOOL	285.40	<del>\$43.00</del>	\$44.00	<u>\$46.00</u>
DRY CLEANER/LAUNDRY				
Flammable	301.50	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
Non-flammable/Laundry	301.50	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
Pickup Station	301.50	<del>\$112.00</del>	\$115.00	<u>\$119.00</u>
Coin-operated	301.150	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
Add'l after 1st coin machine	301.150	<del>\$29.00</del>	\$30.00	<u>\$31.00</u>
DUCT CLEANER CONTRACTOR	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
ENTERTAINMENT, PLACE OF				
Within B4				
Up to 2,500	267.1140(1)	<del>\$563.00</del>	\$580.00	<u>\$597.00</u>
2,501—5,000	267.1140(2)	<del>\$803.00</del>	\$827.00	<u>\$852.00</u>
5,000—10,000	267.1140(3)	<del>\$1,206.00</del>	\$1,242.00	<u>\$1,279.00</u>
More than 10,000	267.1140(4)	<del>\$1,769.00</del>	\$1,822.00	<u>\$1,877.00</u>
Outside of Downtown B4				
1 to 2,500	267.1140(5)	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
2,501—5,000	267.1140(6)	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
5,001—10,000	267.1140(7)	<del>\$803.00</del>	\$827.00	<u>\$852.00</u>
More than 10,000	267.1140(8)	<del>\$1,178.00</del>	\$1,213.00	<u>\$1,250.00</u>
EXHIBITION EXHIBITOR ONE				
LOC.	321.470(e)(1)	<del>\$52.00</del>	\$54.00	<u>\$55.00</u>
EXHIBITION OPERATOR				
Class A	321.470(a)	<del>\$851.00</del>	\$877.00	<u>\$903.00</u>
Class B	321.470(b)	<del>\$568.00</del>	\$585.00	<u>\$603.00</u>
Class C	321.470(c)	<del>\$283.00</del>	\$291.00	<u>\$300.00</u>
FIRE EXTINGUISHER				
SALES/SERV.				
Class A	289.60	<del>\$325.00</del>	\$335.00	<u>\$345.00</u>
Class B	289.60	<del>\$231.00</del>	\$238.00	<u>\$245.00</u>
FLOWER CART VENDOR	331.90(b)	<del>\$148.00</del>	\$152.00	<u>\$156.00</u>
Location Transfer, Midseason	331.90(b)	<del>\$103.00</del>	\$106.00	<u>\$86.00</u>
FOOD				
All Night Special	360.70(a)	<del>\$81.00</del>	\$83.00	<u>\$85.00</u>
Confectionery				
1,000 sq. ft. or less	188.250	<del>\$102.00</del>	\$105.00	<u>\$108.00</u>
1,001 to 3,000	188.250	<del>\$161.00</del>	\$166.00	<u>\$171.00</u>
3,001 to 5,000	188.250	<del>\$214.00</del>	\$220.00	<u>\$227.00</u>
5,001 to 7,000	188.250	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
7,001 to 9,000	188.250	<del>\$321.00</del>	\$331.00	<u>\$341.00</u>
9,001 to 11,000	188.250	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
11,001 to 13,000	188.250	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
13,001 to 15,000	188.250	<del>\$482.00</del>	\$496.00	<u>\$511.00</u>
15,001 sq. ft. and over	188.250	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
Drive-in***	188.250	<del>\$350.00</del>	\$361.00	<u>\$371.00</u>
Drive-in (Restricted)***	188.250	<del>\$73.00</del>	\$75.00	<u>\$77.00</u>
Farm Produce (Nonprofit)	265.390	<del>\$43.00</del>	\$44.00	<u>\$46.00</u>
Food Distributor or Manufacturer				
1,000 sq. ft. or less	188.250	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
1,001 to 3,000	188.250	<del>\$321.00</del>	\$331.00	<u>\$341.00</u>
3,001 to 5,000	188.250	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
5,001 to 7,000	188.250	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
7,001 to 9,000	188.250	<del>\$482.00</del>	\$496.00	<u>\$511.00</u>
9,001 to 11,000	188.250	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
11,001 to 13,000	188.250	<del>\$589.00</del>	\$607.00	<u>\$625.00</u>

# SEPTEMBER 2, 2005

13,001 to 15,000	188.250	<del>\$643.00</del>	\$662.00	<u>\$682.00</u>
15,001 sq. ft. and over	188.250	<del>\$696.00</del>	\$717.00	<u>\$738.00</u>
Food Distributor—Out of Town	188.290	<del>\$53.00</del>	\$55.00	<u>\$56.00</u>
Food Establishment Plan review fees-new business				
Risk 1 establishment				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$300.00	<u>\$309.00</u>
1,001—3,000 sq. ft.	188.370	<del>\$150.00</del>	\$400.00	<u>\$412.00</u>
3,001—5,000 sq. ft.	188.370	<del>\$150.00</del>	\$500.00	<u>\$515.00</u>
5,001—7,000 sq ft	188.370	<del>\$200.00</del>	\$600.00	<u>\$618.00</u>
Risk 2 establishments				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$250.00	<u>\$258.00</u>
1,001—3000 sq. ft.	188.370	<del>\$150.00</del>	\$350.00	<u>\$361.00</u>
3,001—5,000 sq. ft.	188.370	<del>\$150.00</del>	\$450.00	<u>\$464.00</u>
5,001—7,000 sq. ft.	188.370	<del>\$200.00</del>	\$550.00	<u>\$567.00</u>
Risk 3 establishments				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$150.00	<u>\$155.00</u>
1,001—3,000 sq. ft.	188.370	<del>\$150.00</del>	\$250.00	<u>\$258.00</u>
3,001—5,000 sq. ft.	188.370	<del>\$150.00</del>	\$300.00	<u>\$309.00</u>
5,001—7,000 sq. ft.	188.370	<del>\$200.00</del>	\$400.00	<u>\$412.00</u>
Food Establishment Plan review fees-remodel				
Risk 1 establishment				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$225.00	<u>\$232.00</u>
1,001—3,000 sq. ft.	188.370	<del>\$150.00</del>	\$300.00	<u>\$309.00</u>
3,001—5000 sq. ft.	188.370	<del>\$150.00</del>	\$375.00	<u>\$386.00</u>
5,001—7,000 sq. ft.	188.370	<del>\$200.00</del>	\$450.00	<u>\$464.00</u>
Risk 2 establishments				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$187.00	<u>\$193.00</u>
1,001—3,000 sq. ft.	188.370	<del>\$150.00</del>	\$262.00	<u>\$270.00</u>
3,001—5,000 sq. ft.	188.370	<del>\$150.00</del>	\$337.00	<u>\$347.00</u>
5,001—7,000 sq. ft.	188.370	<del>\$200.00</del>	\$412.00	<u>\$424.00</u>
Risk 3 establishments				
1,000 sq. ft. or less	188.370	<del>\$100.00</del>	\$112.00	<u>\$115.00</u>
1,001—3,000 sq. ft.	188.370	<del>\$150.00</del>	\$187.00	<u>\$193.00</u>
3,001—5,000 sq. ft.	188.370	<del>\$150.00</del>	\$225.00	<u>\$232.00</u>
5,001—7,000 sq. ft.	188.370	<del>\$200.00</del>	\$300.00	<u>\$309.00</u>
Food Market Manufacturer	186.50	<del>\$150.00</del>	\$150.00	<u>\$155.00</u>
Food Market Manufacturer Plan Review	201.70	<del>\$50.00</del>	\$50.00	<u>\$52.00</u>
Food Market Distributor	186.50	<del>\$150.00</del>	\$150.00	<u>\$155.00</u>
Food Market Distributor Plan Review	201.70	<del>\$50.00</del>	\$50.00	<u>\$52.00</u>
Food Shelf	188.250	<del>\$1.00</del>	\$1.00	<u>\$1.00</u>
FOOD VEHICLE INSPECTION				
	232.30	<del>\$53.00</del>	\$55.00	<u>\$56.00</u>
	190.130	<del>\$53.00</del>	\$55.00	<u>\$56.00</u>
	188.310	<del>\$53.00</del>	\$55.00	<u>\$56.00</u>
Grocery				
500 sq. ft. or less, restricted	188.250	<del>\$349.00</del>	359.00	<u>\$370.00</u>
500—1,000, restricted	188.250	<del>\$487.00</del>	\$502.00	<u>\$517.00</u>
1,000 sq. ft. or less	188.250	<del>\$487.00</del>	\$502.00	<u>\$517.00</u>
1,001—5,000	188.250	<del>\$952.00</del>	\$981.00	<u>\$1,010.00</u>
5,001—7,500	188.250	<del>\$1,022.00</del>	\$1,053.00	<u>\$1,084.00</u>
7,501—10,000	188.250	<del>\$1,091.00</del>	\$1,124.00	<u>\$1,157.00</u>
10,001—15,000	188.250	<del>\$1,222.00</del>	\$1,259.00	<u>\$1,296.00</u>
15,001 plus	188.250	<del>\$1,293.00</del>	\$1,332.00	<u>\$1,372.00</u>
Grocery & Milk Delivery Vehicle	200.70(h)	<del>\$98.00</del>	\$101.00	<u>\$104.00</u>
Groceteria/Portable Store	295.100	<del>\$460.00</del>	\$474.00	<u>\$488.00</u>
Indoor Food Cart	188.520(j)	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
Kiosk Food Cart Vendor	188.250	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
Meat Market				
1,000 sq. ft. or less	188.250	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
1,001 to 3,000	188.250	<del>\$321.00</del>	\$331.00	<u>\$341.00</u>
3,001 to 5,000	188.250	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>

# SEPTEMBER 2, 2005

5,001 to 7,000	188.250	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
7,001 to 9,000	188.250	<del>\$482.00</del>	\$496.00	<u>\$511.00</u>
9,001 to 11,000	188.250	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
11,001 to 13,000	188.250	<del>\$589.00</del>	\$607.00	<u>\$625.00</u>
13,001 to 15,000	188.250	<del>\$643.00</del>	\$662.00	<u>\$682.00</u>
15,001 sq. ft. and over	188.250	<del>\$696.00</del>	\$717.00	<u>\$738.00</u>
Mobil Food Vendor	188.250	<del>\$98.00</del>	\$101.00	<u>\$104.00</u>
Prepackaged Perishable	188.250	<del>\$169.00</del>	\$174.00	<u>\$179.00</u>
Outdoor Entertainment, Temp:				
Without expansion	360.100(b)(5)	<del>\$130.00</del>	\$134.00	
Restaurant, Cafe, Dining Rooms, Boardinghouses, Caterers				
1,000 sq. ft. or less	188.250	<del>\$321.00</del>	\$331.00	<u>\$341.00</u>
1,001 to 3,000	188.250	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
3,001 to 5,000	188.250	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
5,001 to 7,000	188.250	<del>\$643.00</del>	\$662.00	<u>\$682.00</u>
7,001 to 9,000	188.250	<del>\$750.00</del>	\$773.00	<u>\$796.00</u>
9,001 to 11,000	188.250	<del>\$857.00</del>	\$883.00	<u>\$909.00</u>
11,001 to 13,000	188.250	<del>\$964.00</del>	\$993.00	<u>\$1,023.00</u>
13,001 to 15,000	188.250	<del>\$1,071.00</del>	\$1,103.00	<u>\$1,136.00</u>
15,001 sq. ft. and over	188.250	<del>\$1,285.00</del>	\$1,324.00	<u>\$1,363.00</u>
Short Term Permit	188.170	<del>\$73.00</del>	\$75.00	<u>\$77.00</u>
Short Term Food Establishment	188.170	<del>\$195.00</del>	\$201.00	<u>\$207.00</u>
Sidewalk Cafe				
30 seats or less	265.330(a)	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
31 seats or more	265.330(a)	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
Sidewalk Food Cart Vendor	188.250	<del>\$757.00</del>	\$780.00	<u>\$803.00</u>
Location Transfer, Midseason	188.250	<del>\$118.00</del>	\$122.00	<u>\$125.00</u>
Soft Drinks				
1,000 sq. ft. or less	188.250	<del>\$102.00</del>	\$105.00	<u>\$108.00</u>
1,001 to 3,000	188.250	<del>\$161.00</del>	\$166.00	<u>\$171.00</u>
3,001 to 5,000	188.250	<del>\$214.00</del>	\$220.00	<u>\$227.00</u>
5,001 to 7,000	188.250	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>
7,001 to 9,000	188.250	<del>\$321.00</del>	\$331.00	<u>\$341.00</u>
9,001 to 11,000	188.250	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
11,001 to 13,000	188.250	<del>\$428.00</del>	\$441.00	<u>\$454.00</u>
13,001 to 15,000	188.250	<del>\$482.00</del>	\$496.00	<u>\$511.00</u>
15,001 sq. ft. and over	188.250	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
Soft Drink Manufacturing	198.30	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
Vending Machine (Food)*	188.250	<del>\$15.00</del>	\$15.00	<u>\$15.00</u>
Nut Vending Machine*	188.250	<del>\$5.00</del>	\$5.00	<u>\$5.00</u>
Wholesale Sausage Manufacturer				
1—1,000 sq. ft.	190.120	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
1,001—5,000	190.120	<del>\$460.00</del>	\$474.00	<u>\$488.00</u>
5,001 plus	190.120	<del>\$1,233.00</del>	\$1,270.00	<u>\$1,308.00</u>
FUEL DEALER	291.50	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
GAMBLING (Charitable Only, per day)	268.60(a)	<del>\$65.00</del>	\$62.00	<u>\$62.00</u>
GAME OF SKILL	267.40	<del>\$104.00</del>	\$107.00	<u>\$110.00</u>
GAS FITTER	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
GASOLINE FILLING STATION				
4 or less	287.50	<del>\$242.00</del>	\$249.00	<u>\$257.00</u>
5 to 8	287.50	<del>\$375.00</del>	\$386.00	<u>\$398.00</u>
9 or more	287.50	<del>\$510.00</del>	\$525.00	<u>\$541.00</u>
GOING OUT OF BUSINESS	293.70	<del>\$111.00</del>	\$114.00	<u>\$118.00</u>
Plus for each \$1,000.00 of Inventory	293.70	<del>\$10.00</del>	\$10.00	<u>\$11.00</u>
First Renewal Maximum				
Add'l 30 days	293.80	<del>\$222.00</del>	\$229.00	<u>\$236.00</u>
Second Renewal, per day	293.80	<del>\$73.00</del>	\$75.00	<u>\$77.00</u>
Fire, Actual Disaster	293.20	<del>\$118.00</del>	\$122.00	<u>\$125.00</u>
Each Add'l Day	293.20	<del>\$30.00</del>	\$31.00	<u>\$32.00</u>

# SEPTEMBER 2, 2005

City Acquired Property	293.70	<del>\$104.00</del>	\$107.00	<u>\$110.00</u>
HEATING, VENTILATION AND				
AIR CONDITIONING INSTALLERS	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
HOOFED AND/OR SMALL				
ANIMAL SERVICE	304.30		\$150.00	<u>\$150.00</u>
HORSE & CARRIAGE	303.30	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
Maximum Cleanup Fee		<del>\$648.00</del>	\$667.00	<u>\$687.00</u>
TemporaryRoute	303.110	<del>\$12.00</del>	\$12.00	<u>\$13.00</u>
HOSPITAL	296.50	<del>\$921.00</del>	\$949.00	<u>\$977.00</u>
HOTEL/MOTEL				
1—20	297.50(b)	<del>\$328.00</del>	\$338.00	<u>\$348.00</u>
21—75	297.50(b)	<del>\$546.00</del>	\$562.00	<u>\$579.00</u>
76—200	297.50(b)	<del>\$615.00</del>	\$633.00	<u>\$652.00</u>
201 plus	297.50(b)	<del>\$957.00</del>	\$986.00	<u>\$1,015.00</u>
ICE PEDDLER				
Per Vehicle	299.30	<del>\$98.00</del>	\$101.00	<u>\$104.00</u>
ICE PRODUCER, DEALER,				
WHOLESALE	299.30	<del>\$231.00</del>	\$238.00	<u>\$245.00</u>
JUKE BOX	267.960	<del>\$44.00</del>	\$45.00	<u>\$47.00</u>
LIQUID WASTE HAULER	225.420	<del>\$203.00</del>	\$209.00	<u>\$215.00</u>
LODGING HOUSE				
1—5 sleeping rooms	298.50	<del>\$181.00</del>	\$186.00	<u>\$192.00</u>
6—10	298.50	<del>\$273.00</del>	\$281.00	<u>\$290.00</u>
11—25	298.50	<del>\$366.00</del>	\$377.00	<u>\$388.00</u>
26 plus	298.50	<del>\$547.00</del>	\$563.00	<u>\$580.00</u>
LODGING WITH				
BOARDINGHOUSE				
1—5 sleeping rooms	298.50	<del>\$366.00</del>	\$377.00	<u>\$388.00</u>
6—10	298.50	<del>\$457.00</del>	\$471.00	<u>\$485.00</u>
11—25	298.50	<del>\$547.00</del>	\$563.00	<u>\$580.00</u>
26 plus	298.50	<del>\$730.00</del>	\$752.00	<u>\$774.00</u>
MARKETS				
Municipal market	202.50		\$150.00	<u>\$155.00</u>
Public market plan review	201.60(1)	<del>\$50.00</del>	\$50.00	<u>\$52.00</u>
Public market	201.40		\$150.00	<u>\$155.00</u>
MILK DELIVERY VEHICLE	200.70(g)	<del>\$98.00</del>	\$101.00	<u>\$104.00</u>
Addl. Vehicle	200.70(g)	<del>\$38.00</del>	\$39.00	<u>\$40.00</u>
MILK DISTRIBUTOR	200.50(a)	<del>\$267.00</del>	\$275.00	<u>\$283.00</u>
MOTOR SCOOTER LEASING	311.40	<del>\$101.00</del>	\$104.00	<u>\$107.00</u>
MOTOR VEHICLE DEALER				
New and Used	313.40	<del>\$305.00</del>	\$314.00	<u>\$324.00</u>
Auctioneer	313.40	<del>\$157.00</del>	\$162.00	<u>\$167.00</u>
Cycles, Scooters and Motor-bike	313.40	<del>\$157.00</del>	\$162.00	<u>\$167.00</u>
Used Only	313.40	<del>\$328.00</del>	\$338.00	<u>\$348.00</u>
Broker	313.40	<del>\$347.00</del>	\$357.00	<u>\$368.00</u>
Wholesaler	313.40	<del>\$187.00</del>	\$193.00	<u>\$198.00</u>
Additional Places of Business	313.40	<del>\$161.00</del>	\$166.00	<u>\$171.00</u>
MOTOR VEHICLE				
IMMOBILIZATION SERVICE	320.30	<del>\$312.00</del>	\$321.00	<u>\$331.00</u>
MOTOR VEHICLE LUBRICANT				
DEALER	315.30	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
MOTOR VEHICLE REPAIR				
GARAGE	317.40	<del>\$363.00</del>	\$374.00	<u>\$385.00</u>
With Accessory	317.40	<del>\$126.00</del>	\$130.00	<u>\$134.00</u>
Motor Vehicle Servicing—Driver				
New	349.130	<del>\$37.00</del>	\$38.00	<u>\$39.00</u>
Renewal	349.130	<del>\$23.00</del>	\$24.00	<u>\$24.00</u>
Duplicate ID or ID Picture	349.130	<del>\$8.00</del>	\$8.00	<u>\$8.00</u>

MOTOR VEHICLE				
SERVICING—VEHICLES				
Class A				
1—5 Vehicles	349.150	<del>\$771.00</del>	\$794.00	<u>\$818.00</u>
6—15 Vehicles	349.150	<del>\$1,166.00</del>	\$1,201.00	<u>\$1,237.00</u>
Each Add'l Vehicle	349.150	<del>\$23.00</del>	\$24.00	<u>\$24.00</u>
Class B				
Each Add'l Vehicle	349.250	<del>\$118.00</del>	\$122.00	<u>\$125.00</u>
Class C				
Each Add'l Vehicle	349.250	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
Class D				
Each Add'l Vehicle	349.250	<del>\$53.00</del>	\$55.00	<u>\$56.00</u>
MOTOR VEHICLE USED PARTS				
DEALER	348.30	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
Each Add'l Lot	348.30	<del>\$49.00</del>	\$50.00	<u>\$52.00</u>
OIL BURNER INSTALLER	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
PARKING LOT				
Commercial Class A				
1—50 Spaces	319.60	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
51—100	319.60	<del>\$437.00</del>	\$450.00	<u>\$464.00</u>
101—200	319.60	<del>\$729.00</del>	\$751.00	<u>\$773.00</u>
201 plus	319.60	<del>\$1,164.00</del>	\$1,199.00	<u>\$1,235.00</u>
Commercial Class B				
1—50 Spaces	319.60	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
51—100	319.60	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
101—200	319.60	<del>\$231.00</del>	\$238.00	<u>\$245.00</u>
201 +	319.60	<del>\$460.00</del>	\$474.00	<u>\$488.00</u>
PAWN BROKER				
Class A	324.50	<del>\$2,837.00</del>	\$2,922.00	<u>\$3,010.00</u>
PEDDLER (Foot)	323.20	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
PEDDLER (Junk)	323.30	<del>\$73.00</del>	\$75.00	<u>\$77.00</u>
PEDICAB (Each)	305.30	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
PET SHOP REGULAR	68.20	<del>\$126.00</del>	\$130.00	<u>\$134.00</u>
Mobile	68.20	<del>\$157.00</del>	\$162.00	<u>\$167.00</u>
PLUMBER	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
POOL, BILLIARDS				
1st Table	267.1230	<del>\$233.00</del>	\$240.00	<u>\$247.00</u>
Each Add'l	267.1230	<del>\$30.00</del>	\$31.00	<u>\$32.00</u>
PRECIOUS METAL DEALER	322.50	<del>\$385.00</del>	\$397.00	<u>\$408.00</u>
RECYCLING/SALVAGE	350.40	<del>\$794.00</del>	\$818.00	<u>\$842.00</u>
Additional Yard	350.40	<del>\$283.00</del>	\$291.00	<u>\$300.00</u>
New Salvage Yard Surcharge	350.40			
REFRIGERATION INSTALLER	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
RENTAL HALL, NEW	266.30	<del>\$1,051.00</del>	\$1,083.00	<u>\$1,115.00</u>
Annual Renewal	266.30	<del>\$630.00</del>	\$649.00	<u>\$668.00</u>
Temp. Hall	266.70	<del>\$210.00</del>	\$216.00	<u>\$223.00</u>
RESIDENTIAL SPECIALTY				
CONTRACTOR	277.2990	<del>\$158.00</del>	\$163.00	<u>\$168.00</u>
RESIN MANUFACTURER	272.50	<del>\$2,143.00</del>	\$2,207.00	<u>\$2,274.00</u>
SECONDHAND DEALER				
Class A	321.50	<del>\$255.00</del>	\$263.00	<u>\$271.00</u>
Class B	321.50	<del>\$255.00</del>	\$263.00	<u>\$271.00</u>
SHOOTING GALLERY	267.1680	<del>\$104.00</del>	\$107.00	<u>\$110.00</u>
SIDEWALK FLOWER CART				
VENDOR	331.40	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
Midseason Transfer	331.90	<del>\$111.00</del>	\$114.00	<u>\$118.00</u>
SIGN HANGER	277.2520	<del>\$148.00</del>	\$152.00	<u>\$157.00</u>
SKATING RINK ICE, ROLLER	267.30	<del>\$268.00</del>	\$276.00	<u>\$284.00</u>

**SEPTEMBER 2, 2005**

<b>SOLICITOR</b>				
Company	333.60	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
Individual	333.60	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
SOLID WASTE HAULER	225.320	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
Each Add'l Vehicle	225.320	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
New Decal or Vehicle to Vehicle Transfer	225.320	<del>\$13.00</del>	\$13.00	<u>\$14.00</u>
<b>STEAM AND HOT WATER</b>				
INSTALLER	278.240	<del>\$227.00</del>	\$234.00	<u>\$241.00</u>
<b>STREET PHOTOGRAPHER</b>				
Per Camera		<del>\$222.00</del>	\$229.00	<u>\$236.00</u>
SUNTANNING FACILITY	232.20(b)	<del>\$122.00</del>	\$126.00	<u>\$129.00</u>
SWIMMING POOL, PUBLIC	231.480	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
Add'l Pool, Same Location	231.480	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
Whirlpool Only	231.480	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
TATTOOING ESTABLISHMENT	339.100(b)	<del>\$170.00</del>	\$175.00	<u>\$180.00</u>
Sponsor Temporary	339.120(6)	<del>\$85.00</del>	\$88.00	<u>\$90.00</u>
TATTOOIST/PIERCING	339.100(a)	<del>\$170.00</del>	\$175.00	<u>\$180.00</u>
Temporary	339.120(5)	<del>\$86.00</del>	\$88.00	<u>\$91.00</u>
<u>TAXICAB DRIVER - NEW DRIVER</u>	<u>341.410</u>			<u>\$90.00</u>
<u>Class fee</u>	<u>341.410(b)</u>			<u>\$38.00</u>
<u>Renewal</u>	<u>341.430</u>			<u>\$59.00</u>
<u>Transfer/Duplicate</u>				<u>\$16.00</u>
<u>Transfer/Duplicate 2 or more</u>				<u>\$27.00</u>
<u>Taxicab- Vehicle</u>	<u>341.580</u>			<u>\$475.00</u>
<u>Winter</u>	<u>341.310</u>			<u>\$238.00</u>
<u>Taxicab-Special Inspection</u>	<u>341.625</u>			<u>\$50.00</u>
<u>Taxicab- Transfer Fee</u>				
<u>Person to Person</u>	<u>341.655</u>			<u>\$119.00</u>
<u>Vehicle to Vehicle</u>	<u>341.650</u>			<u>\$59.00</u>
<u>Temporary Replacement</u>	<u>341.645</u>			<u>\$36.00</u>
<u>Neighborhood Rideshare</u>				<u>\$475.00</u>
<u>Service Company</u>				<u>\$1,188.00</u>
<u>Non-Transferable</u>				<u>\$475.00</u>
<u>Taxicab Driver - New driver</u>	<u>341.410</u>			<u>\$1,000.00</u>
<b>THEATER</b>				
<b>Zone 1</b>				
1—400 Capacity	267.1850	<del>\$156.00</del>	\$161.00	<u>\$166.00</u>
401—600	267.1850	<del>\$201.00</del>	\$207.00	<u>\$213.00</u>
601—1,000	267.1850	<del>\$252.00</del>	\$260.00	<u>\$267.00</u>
1,001—1,500	267.1850	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
1,501—2,000	267.1850	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
2,001 +	267.1850	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
<b>Zone 2</b>				
1—400 Capacity	267.1850	<del>\$201.00</del>	\$207.00	<u>\$213.00</u>
401—600	267.1850	<del>\$252.00</del>	\$260.00	<u>\$267.00</u>
601—1,000	267.1850	<del>\$297.00</del>	\$306.00	<u>\$315.00</u>
1,001—1,500	267.1850	<del>\$402.00</del>	\$414.00	<u>\$426.00</u>
1,501—2,000	267.1850	<del>\$496.00</del>	\$511.00	<u>\$526.00</u>
2,001 +	267.1850	<del>\$496.00</del>	\$511.00	<u>\$526.00</u>
<b>Zone 3</b>				
1—400 Capacity	267.1850	<del>\$496.00</del>	\$511.00	<u>\$526.00</u>
401—600	267.1850	<del>\$594.00</del>	\$612.00	<u>\$630.00</u>
601—1,000	267.185	<del>\$795.00</del>	\$819.00	<u>\$843.00</u>
1,001—1,500	267.1850	<del>\$989.00</del>	\$1,019.00	<u>\$1,049.00</u>
1,501—2,000	267.1850	<del>\$1,180.00</del>	\$1,215.00	<u>\$1,252.00</u>
2,001 +	267.1850	<del>\$1,976.00</del>	\$2,035.00	<u>\$2,096.00</u>
TOBACCO DEALER	281.30	<del>\$263.00</del>	\$271.00	<u>\$279.00</u>
TRANSIENT MERCHANT	343.50	<del>\$214.00</del>	\$220.00	<u>\$227.00</u>
Each Add'l Loc.	343.50	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>

## SEPTEMBER 2, 2005

TREE SERVICING	347.70	<del>\$81.00</del>	\$83.00	<u>\$86.00</u>
Each Add'l Vehicle	347.70	<del>\$28.00</del>	\$28.00	<u>\$30.00</u>
VALET PARKING				
One authorized zone	307.40	<del>\$536.00</del>	\$552.00	<u>\$569.00</u>
Each additional zone	307.40	<del>\$107.00</del>	\$110.00	<u>\$114.00</u>
Zone operated by employees of existing licensed business	307.40	<del>\$107.00</del>	\$110.00	<u>\$114.00</u>
WRECKERS AND TOW TRUCKS				
Replacement Vehicle	349.50	<del>\$21.00</del>	\$22.00	<u>\$22.00</u>
LICENSE FEE GENERALLY				
Processing charge	261.30	<del>\$38.00</del>	\$39.00	<u>\$40.00</u>
New Business Surcharge	261.35	<del>\$105.00</del>	\$108.00	<u>\$111.00</u>
Prorating of fees	261.40	<del>\$38.00</del>	\$39.00	<u>\$40.00</u>
License Renewals 10% Late Fee	267.66			
License Renewal Late Fee 20%—50%	261.20, 262.20			
Liquor License Penalty 20% for late renewal Liquor	362.80			
Penalty for late installment 20% Liquor	362.90			
Penalty for late renewal 20% Wine	363.80			
Penalty for late installment 20% Wine	363.90			
Payment and Receipt Beer License	366.70	<del>\$100.00</del>	\$103.00	<u>\$106.00</u>
Penalty for late renewal 20% Beer	366.90			
REPLACEMENT DECALS, GENERALLY				
2 inches square or less	261.36	<del>\$2.00</del>	\$2.00	<u>\$2.00</u>
More than 2 inches square	261.36	<del>\$12.00</del>	\$12.00	<u>12.00</u>

Adopted 9/2/05.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the City's participation in the Minnesota Gang Strike Force, now recommends that the proper City Officers be authorized to amend the grant agreement with the State of Minnesota to increase the amount by \$86,700 to provide funding for one captain and up to six officers on the Metro Gang Strike Force for an additional six months. Further, passage of the accompanying Resolution appropriating \$86,700 to the Police Department.

Adopted 9/2/05.

### RESOLUTION 2005R-500 By Niziolek and Johnson

#### Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$86,700 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$86,700.

Adopted 9/2/05.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Auto Theft Prevention Program, now recommends that the proper City Officers be authorized to accept a grant award of \$350,131 and execute a two-year grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to prosecute auto thieves, and disseminate information on the Police Department's "bait vehicles", along with general information about auto theft prevention. Further, passage of the accompanying Resolution appropriating \$350,131 to the Police Department.

Adopted 9/2/05.



**RESOLUTION 2005R-501**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C007) by \$350,131 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$350,131.

Adopted 9/2/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for forensic interview services for use by the Police Department when needed to interview children and vulnerable adults who are victims of crime, subject to review and approval by the Permanent Review Committee.

Adopted 9/2/05.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** – Your Committee, having under consideration the sale of City-owned vacant land located at 1910 Plymouth Av N, and having held a public hearing thereon, now recommends:

- a) That the parcel be sold to the adjacent owner, Birch Jones, for \$58,000 according to the terms of the purchase agreement;
- b) That the proper City Officers be authorized to execute a Quit Claim Deed to convey the property to the buyer and sign any other documents necessary to facilitate the sale of the property;
- c) If said buyer later withdraws his purchase agreement, that the proper City Officers be authorized to sell the property to the highest bidder using public bidding procedures; and
- d) That the proceeds be used to reimburse Public Works for expenses associated with the sale of the property, and the remaining balance be deposited into the Lands and Buildings Fund in the PW-General Services-Capital Agency (6200-923-9242).

Adopted 9/2/05.

**T&PW** - Your Committee, having under consideration the establishment of the Chicago Avenue Mall between West River Parkway and Second Street South, now recommends acknowledging the transfer of a parcel of land from CPED operational control to Public Works operational control and designating said parcel as public right-of-way to be combined with the existing right-of-way of 8th Avenue South.

**CPED Parcel Description:**

That part of Lot 33, Auditors Subdivision No. 39 described as follows:

Beginning at the most Southerly corner of said Lot 33, thence Northwesterly to the most Westerly corner thereof, thence Northeasterly to the most Northerly corner thereof, thence Southeasterly along the Northeasterly line of Lot 33 to a point 741.86 feet Southeasterly from the most Westerly corner of Lot 42, Auditors Subdivision No. 39, thence along a tangential curve to the right, having a radius of 480 feet, distant 63.77 feet to the Southeasterly line of said Lot 33, thence Southwesterly on said Southeasterly line to the point of beginning.

**Public Street Parcel Description:**

All of 8th Avenue South as shown in Auditors Subdivision No. 39, formerly known as Ames Street in the plat of Town of Minneapolis; said Ames Street being changed to 8th Avenue South by Resolution of the City Council on August 12, 1873.

Adopted 9/2/05.

**T&PW** – Your Committee to whom was referred an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks*, adding a new Chapter 459 establishing Chicago Avenue between West River Parkway and Second Street South as the “Chicago Avenue Mall,” and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the following members be appointed to the Chicago Avenue Mall Advisory Board for terms expiring December 31, 2008:

**Property Owner Representatives:** John Crippen (Minnesota Historical Society), Bill Meeker (Mill City Owners' Association), Tom Proehl (Guthrie Theatre), and Karen Runyon (Humboldt Lofts Owners' Association).

**Downtown East Representative:** Kathleen Anderson (Downtown East Resident). (Alternate Scott Parkin, Downtown East Resident).

Adopted 9/2/05.

Ordinance 2005-Or-078 amending Title 17 of the Minneapolis Code of Ordinances by adding a new Chapter 459 relating to *Streets and Sidewalks: Chicago Avenue Mall*, establishing Chicago Av between W River Pkwy and 2nd St S, was adopted 9/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-078**

**By Zerby**

**Intro & 1st Reading: 7/22/05**

**Ref to: T&PW**

**2nd Reading: 9/2/05**

**Amending Title 17 of the Minneapolis Code of Ordinances by adding a new Chapter 459 relating to Streets and Sidewalks: Chicago Avenue Mall.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 459 to read as follows:

**CHAPTER 459. CHICAGO AVENUE MALL**

**459.10. Findings.** The city council hereby finds that Chicago Avenue (formerly 8th Avenue South) between West River Parkway and Second Street South in the City of Minneapolis is not a part of any state highway, is located primarily in a central business district of the city, is being improved to its maximum width for roadway and sidewalk purposes, and is or would have been congested during all or some substantial part of normal business hours; that reasonably convenient alternate routes exist for private vehicles to other parts of the city and state; that unlimited use of such part of Chicago Avenue by private vehicles would have endangered the safety of pedestrians; that properties abutting such part of Chicago Avenue can reasonably and adequately receive and deliver merchandise and materials from other streets and alleys or by reason of provision herein made for limited use of part of such street by carriers of merchandise and materials; that it would be in the best interests of the city and the public and of benefit to adjacent and nearby properties to use such part of Chicago Avenue primarily for pedestrian purposes; and that pedestrian use is the highest and best use of such part of Chicago Avenue.

**459.20. Authority; designation as pedestrian mall.** Pursuant to the provisions of Chapter 430 and Section 450.31, Minnesota Statutes, the city council hereby designates Chicago Avenue (formerly 8th Avenue South) and the extension thereof from the south side of West River Parkway to the north side of South Second Street (hereinafter called "Chicago Avenue Mall") in the City of Minneapolis as a pedestrian mall.

**459.30. Vehicle use regulations.** Except as herein provided, vehicles shall not use the Chicago Avenue Mall. This use limitation does not apply to vehicles on the streets intersecting the Chicago Avenue Mall.

(a) Area-wide exception. The following classes of vehicles may enter upon and use the Chicago Avenue Mall, subject, however, to the further provisions of this chapter and general laws and ordinances applicable to the use of streets of the city:

(1) *Emergency vehicles*: Public police and fire vehicles and public and private ambulances;  
(2) *Public works vehicles*: Public street repair and construction vehicles and equipment, public street cleaning and snow removal vehicles and equipment, public water and sewer repair and construction vehicles and equipment, and public vehicles and equipment engaged in construction, service and repair of any other public utility facility; and

(3) *Bicycles*: Any device propelled by human power upon which a person may ride, having two (2) tandem wheels either of which is over fourteen (14) inches in diameter, or any device generally recognized as a bicycle though equipped with two (2) front or rear wheels or a unicycle. Such vehicles shall not travel at a speed greater than ten (10) miles per hour.

(b) *Driveway access*. The part of the Chicago Avenue Mall generally lying within the northwest 48 feet of the southwesterly 178 feet of the Chicago Avenue Mall is hereby designated as a driveway and shall be clearly posted as such. Motor vehicles may use the driveway to enter or leave the Humboldt Lofts parking facility and service alley. Motor vehicles, including refuse haulers, engaged in delivery of merchandise and materials to or from the property abutting the northwest side of the Chicago Avenue Mall also may use the driveway. Vehicles conducting such operations shall not stop, stand or park within the driveway.

(c) *Temporary special access permit*. The owner or occupant of any property abutting on the Chicago Avenue Mall must apply for a special access permit to use vehicles and equipment on the Chicago Avenue Mall in connection with constructing, maintaining, removing or changing improvements to the property or in other unusual cases. Similarly, the owners of private utility facilities must apply for a special access permit to use vehicles and equipment on the Chicago Avenue Mall for the installation, maintenance and repair of gas, electrical, cable, telephone telecommunications or other types of private utility facilities. Nothing herein shall restrict access for the purpose of conducting emergency repairs to existing facilities. The city engineer may grant or deny the permit and specify such reasonable conditions and requirements in connection therewith as the city engineer deems necessary or desirable in conformity with Chapters 429 and 430 of this Code.

**459.40. No initial assessment.** The City has constructed improvements to the Chicago Avenue Mall. These improvements include concrete pavement and stairs, bollards, light fixtures and interpretive features. No property shall be subject to assessment for initial construction costs of such improvements. Operation, maintenance and annual improvements costs of the Chicago Avenue Mall, however, may be assessed pursuant to and under the authority granted by Chapter 430 and Section 450.31, Minnesota Statutes.

**459.50. Improvement district.** The city council hereby finds and determines that the Chicago Avenue Mall will involve annual costs to operate, maintain and improve and that a portion of such annual costs will provide benefits primarily to adjacent property rather than to the city as a whole. Therefore, the Chicago Avenue Mall improvements and facilities shall be operated, maintained and improved under Section 430.101, Minnesota Statutes, as amended, and the costs thereof assessed or taxed to benefited properties under Section 430.102, Minnesota Statutes, as amended, as follows:

(a) *Operation and maintenance costs*. The city will operate and maintain the Chicago Avenue Mall at a level commensurate with a typical downtown street and may, with the input of the advisory board created under Section 459.90 of this code, agree to provide additional annual maintenance. In the event such additional maintenance is provided, the costs thereof will be assessed and taxed to benefited properties pursuant to Section 430.102, Minnesota Statutes, as amended.

(b) *Annual improvements costs*. If the city, with input from the advisory board, agrees to provide any annual improvements to the Chicago Avenue Mall, the costs thereof shall be assessed and taxed to benefited properties pursuant to Section 430.102, Minnesota Statutes, as amended. At such time that the Chicago Avenue Mall requires replacement or renovation, the City will fund that portion of the costs that would be comparable to the replacement or renovation costs of Chicago Avenue had it been improved as a downtown street. The abutting property owners on the northwest side of the Chicago Avenue Mall that benefit from the driveway access provided in Section 459.30 (b) will be assessed an amount comparable to the cost to replace or renovate a driveway to Second Street South. Any remaining amount will be assessed and taxed to benefited properties pursuant to Section 430.102, Minnesota Statutes, as amended.

(c) Description of district properties. The following properties shall be subject to assessment and taxation for operation, maintenance and annual improvement costs: Lot 1, Block 1, Guthrie; Unit Numbers 1 through 8, Common Interest Community No. 1114 (Mill City); Lot 12, Auditor's Subdivision No. 39, except that part included in Common Interest Community No. 1114; and all units, Common Interest Community No. 1111 (Humboldt Lofts). Such area shall have the name and may be referred to in all official proceedings as "Chicago Avenue Pedestrian Mall Improvement District."

**459.60. Retention of police powers.** Nothing herein contained shall be interpreted or construed to be a vacation, in whole or in part, of any city street or part therein, and the city council shall retain all police powers and other rights and powers on the Chicago Avenue Mall.

**459.70. Uses, activities permitted.** The following uses or activities are permitted on the Chicago Avenue Mall to the extent they do not impair the driveway access provided in Section 459.30 (b) of this code:

(a) Decorations, banners, etc., when a part of an overall Minneapolis Riverfront District or Mill Quarter promotion or display, subject to compliance with Chapter 449 of this Code.

(b) Decorative waste containers, planters, seating, interpretive and/or wayfinding signage, holiday decorations, bouquets, art works, when authorized by permit granted by the city engineer under Chapter 95 of this Code.

(c) Sidewalk cafes or restaurants, when authorized by permit granted by regulatory services pursuant to Chapter 265 of this Code.

(d) Farmers, arts/crafts and other markets, when authorized by permit granted by regulatory services pursuant to Chapter 265 of this Code.

(e) Theatrical, musical or other performances, subject to arts commission review and permit granted by the city engineer under Chapter 95 of this Code and in compliance with all laws, ordinances and resolutions governing noise.

(f) Block parties as defined in Section 455.10 of this Code where the block party is of a citywide nature and when authorized by regulatory services pursuant to Chapter 455 of this Code. To the extent authorized in any such permit, the permittee may sell beer, food or food products and goods or merchandise on the public way or public highway notwithstanding the provisions of Sections 186.40, 368.40 and 427.130 of this Code.

(g) Sidewalk cart food vendors, when licensed and operated in accordance with Chapter 188 of this Code. The city council will also establish a reasonable fee to be charged each sidewalk cart food vendor located in the Chicago Avenue Mall, to defray the cost of mall cleanup and maintenance and other policing in connection with such license.

(h) Sidewalk cart flower vendors when licensed and operated in accordance with Chapter 331 of this Code.

(i) Organized events that identify and promote commercial, cultural, educational and/or institutional activities within the pedestrian mall district, when authorized by permit granted by the city engineer pursuant to Chapter 440 of this Code.

**459.80. Uses and activities prohibited.** The following uses and activities are prohibited on the Chicago Avenue Mall:

(a) Parades unless permitted under Section 459.70 (i) of this Code.

(b) Solicitations as defined in Chapter 333, Article I, of this Code.

(c) Street displays and/or sales of souvenirs or other merchandise, except as specified in Section 459.70 of this Code.

(d) Other uses not specifically authorized by Section 459.70 shall be prohibited; provided, however, and subject to all other valid and enforceable legal limitations and regulations by federal and state statutes, the City Charter and ordinances, or other legal limitations, the liberty of all persons to speak, write and publish their ideas and beliefs, including religious and political ideas, shall not be abridged, subject to the criminal and civil liability of persons for any abuse of such liberty. This subsection (d) shall not relieve or excuse any person from compliance with any law or regulation with respect to protection of the public health, safety or welfare, nor shall it permit the use of words, language or conduct likely to incite violence or public disturbance, or causing obstruction or interference with pedestrian or vehicular traffic, or interference with normal use of the roadway or sidewalks, or any conduct constituting a public or private nuisance.

**459.90. Advisory board.** (a) The city council hereby creates a five-person advisory board for the Chicago Avenue Mall. The advisory board shall consist of one representative from the general public who is a resident, property or business owner, or employee within the Downtown East neighborhood, and four owners or occupants of properties abutting the Chicago Avenue Mall or their representatives. The Downtown Minneapolis Neighborhood Association may nominate the Downtown East representative and any owner of abutting property may nominate a representative. Nominations shall be submitted to the city clerk at least 60 days prior to the end of expiring terms or promptly after a vacancy is created by resignation or other cause. The city council shall appoint the board members to 2-year terms, beginning on January first of each odd-numbered year; provided, however, that the first board members shall have terms commencing upon appointment and expiring January 1, 2009. Appointments are not subject to the city's open appointments ordinance. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment was made and shall be for the unexpired term. Board members shall serve until their successors are appointed.

(b) The advisory board shall advise the city engineer and the city council on improvements to the Mall, operation and maintenance of the Mall, and guidelines for use of the Mall, among other things. It may also provide input on activity permits and complaints as set forth in Sections 459.100 and 459.110 below. The city engineer will select an employee of the department of public works to staff the advisory board.

**459.100. Procedure for activity permits.** Requests for permits or licenses for activities described in Section 459.70 hereof on the Chicago Avenue Mall shall be submitted in writing to the city engineer or other appropriate department, and shall be forwarded by the city engineer or other appropriate department to the advisory board. The advisory board shall transmit to the city engineer or other appropriate department any recommendations as to such requests within 10 days after receipt. The advisory board may establish guidelines that will identify which types of permits and licenses the city may grant without notification of and/or input from the advisory board.

**459.110. Complaints.** Complaints from the public and from owners and occupants of adjoining property regarding the operation and maintenance of the Chicago Avenue Mall shall likewise be submitted to the city engineer, and referred by the city engineer to the advisory board, which shall promptly consider them and report to the city engineer their recommendations regarding such complaints.

**459.120. Filing, amendment of plan.** This plan for operation and regulation of the Chicago Avenue Mall shall be filed with the city clerk and open to inspection. It may be amended from time to time by ordinance as the city council may determine.

**459.130. Effective Date.** This ordinance shall be effective September 30, 2005.

Adopted 9/2/05.

**T&PW** - Your Committee, having under consideration an appeal filed by Patricia H. Brown, on behalf of Cooperativa Mercado Central, Inc., from the decision of the Regulatory Services Department denying an application for a Business District Block Event that would allow extended hours later than 10:30 p.m., now recommends that said appeal be granted, notwithstanding Chapter 455 of the Minneapolis Code of Ordinances. (Petr No. 270644)

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Central Avenue Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Julia Burman, Janice Ervin, Amy Fields, and Dan Morstad.

**Reappointments:** John Gairy, Larry MacDonald, Gari Moscatelli, Colleen Olsen, and Majdi Wadi.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointment and reappointments to the Chicago Avenue (48th St E and Chicago Av S) Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointment:** Patrick Nau.

**Reappointments:** Winnifred Christopherson, Harvey McLain, Richard Pitheon, and Joyce Tesarek.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Dinkytown Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Gene Buell (Gopher Towing), Heidi Cederstrand (TCF), Greg Pillsbury (Burrito Loco), and Sue Rague, (McDonalds).

**Reappointments:** Irv HersHKovitz (Dinkytown Wine & Spirits), Scott Johnson (Autographics), and Terrie May (Dinkytown Barbers & Tanning).

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointment and reappointments to the South Hennepin Avenue Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointment:** Tim Adelman.

**Reappointments:** David Comb, Sonja Hayden, Jim Jurmu, John Oliva, Lars Peterssen, Mel Soderholm, Michael Trebnick, and Rick Zuckman.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Uptown (Hennepin-Lake) Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Clark Gassen, Jackie Knight, Gordon Lindholof, and Larry Weisberg.

**Reappointments:** Cindy Fitzpatrick, Dennis Peterson, Todd Smith, and Robert Sorenson.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Stadium Village Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Todd Dupont, Ann Fergusoni, Celeste Shahidi, and Nancy Rose Pribyl.

**Reappointments:** Sue Jeffers, Brad Mateer, Matt Monchamp, Jan Morlock, and Jim Rosvold.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Linden Hills (43rd St W and Upton Av S) Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Paula Gilbertson, Kent Oachs, and John Swanson.

**Reappointments:** Bob Bayers, Joanne Ellison, Don Hawkinson, and David Luger.

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments to the Hennepin Theatre Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Sue Bonin (McCaffrey Interests - Block E), Tom Hoch (Hennepin Theater Trust), David Johnson (Brookfield Properties), Kelly Lentz (Equity Office), and Lee Lynch (Carmichael Lynch).

Adopted 9/2/05.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Nicollet Avenue South Special Service District Advisory Board, for terms to expire December 31, 2006:

**Appointments:** Christian Johnson, Darcy Knight, Tom Lockhart, and Tammy Wong.

**Reappointments:** Tom Berthiaume, Joanne Christ, Stephen Frenz, Paul Prenevost, and Diane Woelm.

Adopted 9/2/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the 15th Avenue Southeast Street Lighting Project (5th St to Como Av), Special Improvement of Existing Street No. 6372L, and having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$212,000 for the project; and
- c) Increasing the appropriation and revenue for the project by \$212,000, to be reimbursed by special assessments.

Adopted 9/2/05.

Resolution 2005R-502, ordering the work to proceed and adopting the special assessments for the 15th Avenue Southeast Street Lighting Project, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-502**  
**By Colvin Roy and Johnson**

**15th Avenue Southeast Street Lighting Project**  
**Special Improvement of Existing Street No 6372L**

**Ordering the work to proceed and adopting the special assessments for the 15th Avenue Southeast Street Lighting Project.**

Whereas, a public hearing was held on August 23, 2005, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-422 passed July 22, 2005, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-422 passed July 22, 2005.

Be It Further Resolved that the proposed special assessments as on file in the office of the City Clerk be \$212,000 and are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments on the 2006 real estate tax statements.

Adopted 9/2/05.

Resolution 2005R-503, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$212,000 for certain purposes other than the purchase of public utilities, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-503**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$212,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the 15th Avenue Southeast Street Lighting Project, Special Improvement of Existing Street No 6372L, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 9/2/05.

**RESOLUTION 2005R-504**  
**By Colvin Roy and Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Street Lighting Capital Agency in the Permanent Improvements Projects Fund by \$212,000 (4100-943-9432) and increasing the revenue source by \$212,000 (4100-943-9432-3910).

Adopted 9/2/05.

**T&PW & W&M/Budget** - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on August 23, 2005 to consider the establishment of Street Lighting District No. 1319 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No. 1319 (streets to receive lighting are as designated in the 15th Avenue Southeast Street Lighting Project, Special Improvement of Existing Street No. 6372L) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on July 22, 2005 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No. 1319 not be considered for final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 9/2/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Chicago Avenue Streetscape Project (Chicago Av between Lake St and 28th St E), now recommends that the proper City Officers be authorized to negotiate with private property owners to acquire and execute easements and additional right-of-way if necessary.

Adopted 9/2/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration Nicollet Mall Lighting Upgrades, now recommends that the proper City Officers be authorized to approve Change Orders No. 1 through 3 increasing Contract No. C-21074 with Kilmer Electric Company by \$50,124, for a new contract total of \$316,424, to cover additional costs required by unforeseen conditions and plan revisions not covered in the original contract. Funding is available within the Nicollet Mall Operating Budget.

Adopted 9/2/05.



**T&PW & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to offer up to Step 6 of the salary scale for Public Works Interagency Coordinator to Ms. Lissa Dressler.  
Adopted 9/2/05.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No. 6486 from Fortran Traffic Systems Limited, in the amount of \$292,500, to furnish and deliver traffic signal communication equipment.

Your Committee further recommends that the proper City Officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petrn. No. 270647)

Adopted 9/2/05.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract between the City of Minneapolis and the Domestic Abuse Project, for the period of June 1, 2005 through December 31, 2005, for domestic abuse advocacy services, in the amount not to exceed \$75,000.

Your Committee further recommends that the City Council waive its requirements for issuance of a Request for Proposals for such services.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 9/2/05.

Resolution 2005R-505, authorizing settlement of the legal claims of Tramesha Lindsey, Larry O'Neal, and Gerald Starr, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2005R-505**

**By Johnson**

#### **Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

a) Tramesha Lindsey, by payment of \$7,500 to Ms. Tramesha Lindsey and her attorney, James Daniels;

b) Larry O'Neal, by payment of \$18,500 to Mr. Larry O'Neal and his attorney, Roy Don Hawkinson;

c) Gerald Starr by payment of \$12,500 to Mr. Gerald Starr and his attorney, Randall D.B. Tigue;  
and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for a period of up to three years, in order to meet the continued need for online legal research services on a cost competitive basis.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept funds from the City-County Federal Credit Union in the amount of \$1,600 to pay partial costs towards the City Phone Directory.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the City Clerks budget to reflect the receipt of said funds.

Adopted 9/2/05.

**RESOLUTION 2005R-506**

**By Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the City Clerk Agency in the Intergovernmental Service Fund (6400-260-2630) by \$1,600; and increasing the revenue source (6400-260-2630 - Source 3325) by \$1,600.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept funds from the Federal Certified Local Government (CLG) grant, administered by the State Historic Preservation Office (SHPO) of the MN Historical Society in the amount of \$625 to be used for Heritage Preservation Commissioners and staff to attend the 2005 Statewide Historic Preservation Conference.

Your Committee further recommends passage of the accompany resolution increasing the Operating Budget of the Community Planning and Economic Development Department to reflect the receipt of said funds.

It is further recommended that the proper City officers be authorized to enter into a grant agreement with the MN Historical Society.

Adopted 9/2/05.

**RESOLUTION 2005R-507**

**By Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants - Other Fund (0600-890-8963) by \$625, and increasing the revenue source (0600-890-8963-Source 3215) by \$625.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to appropriate the unused/forfeited Minneflex funds from 2002, 2003, and 2004, in the amount of \$79,160.21 for all Flexible Spending Account (FSA) related benefits administration expenses.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the Human Resources budget to reflect this change.

It is further recommended that future years' forfeited funds be appropriated for benefits administration expenses.

Adopted 9/2/05.

**RESOLUTION 2005R-508**

**By Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health and Welfare Agency in the Self Insurance Fund (6900-129-1300) by \$79,160.21, and increasing the Human Resources Agency revenue estimate in the Self Insurance Fund (6900-815-8156-Source 5070) by \$79,160.21.

Adopted 9/2/05.

**W&M/Budget** - Your Committee recommends concurrence with the Interdepartmental Electronic Communications Team's recommendation to adopt the revised Electronic Communication Policy as set forth in Petn No 270651 on file in the Office of the City Clerk.

Adopted 9/2/05.

**W&M/Budget** - Your Committee, having under consideration one City Council appointment to the Minneapolis Telecommunications Network (MTN) Board, replacing Mark Engelbretson, Ward 8, for the remainder of a 4-year term to expire February 13, 2008, now recommends that the appointment of Andrew Hedden, Ward 11 be approved.

Zerby moved that the report be postponed for one cycle. Seconded.

Lost upon a voice vote.

The report was adopted 9/2/05.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Kathleen and Chris Morton from the decision of the Board of Adjustment which granted the application of Ron and Laurie Eibensteiner for a variance to reduce the front yard setback along Morgan Ave S from 25 feet to 9 feet to allow for the construction of a breezeway and attached garage on the existing single-family dwelling on a reverse corner lot at 4849 Morgan Ave S, now recommends that the findings prepared by the Department of Planning & Economic Development staff be adopted and that said appeal be denied, and the variance granted, with the following additional conditions: a) the south end of the home will include expansion of the living room on the southwest corner with below grade foundation; b) the south end of the home will include a screened-in porch without below grade foundation on the southeast corner of the house; c) no outside door from the screen porch; d) the entry door in the garage will be moved to the north side of the garage; e) the windows in the sunroom/breezeway will be elevated in order to provide additional privacy for the neighbors on the east side of the home; f) three trees of 8 feet in height and two trees of 12 feet in height shall be planted on the east side property line along the garage/breezeway.

Adopted 9/2/05.

**Z&P** - Your Committee, having under consideration the appeal filed by CW Lofts, LLC from the decision of the Heritage Preservation Commission denying an application for a Certificate of Appropriateness to permit real estate banners on the tower of the property at 730 Stinson Blvd NE (Cream of Wheat Building), and requiring that all banners be removed immediately, now recommends that said appeal be denied and that the findings of the prepared by the HPC staff be adopted.

Your Committee further recommends that the proper City officers be directed to enforce the action of the HPC 30 days from the effective date of this Council action.

Adopted 9/2/05.

**Z&P** - Your Committee concurs in the recommendation of the Heritage Preservation Commission (HPC) review committee with the following appointments to the HPC, for three year terms, beginning 6/1/05 and expiring 6/1/08:

- a) Linda Messenger (Ward 2) (Council reappointment); and
- b) Amy Ollendorf (Ward 11) (new Council appointment, replacing Robert Glancy).

Adopted 9/2/05.

**Z&P** - Your Committee, having under consideration the environmental review process for the proposed DeLaSalle High School athletic facility project located at One DeLaSalle Dr (Nicollet Island), in response to a petition filed by John Cairns, on behalf of Phyllis Kahn, et al, with the Minnesota Environmental Quality Board, now recommends:

- a) Approval of the findings prepared by the Community Planning & Economic Development;
- b) That the City order an Environmental Assessment Worksheet (EAW) pursuant to Minnesota Rules, Part 4410.4300, Subp. 31, Historical Places;
- c) Denial of the petition for an EAW for the project pursuant to Minnesota Rules, Part 4410.1100; and

d) Denial of the request for an EAW pursuant to Minnesota Rules, Part 4410.4500 because the petition and the request are moot since the project is within a Mandatory EAW category under Minnesota Rules, Part 4410.4300.

Adopted 9/2/05.

**Z&P** – Your Committee, having under consideration the recommendation of the Minneapolis Arts Commission to approve and adopt the document “Minneapolis Plan for Arts & Culture,” and take the necessary actions to further the implementation of plan recommendations and objectives contained therein, now recommends approval of the Plan, with the exception that Objective 4.3 be referred to the City’s budget process. Objective 4.3 proposes establishment of a City policy for funding public art, including dedicating two percent of the City’s annual net bond and requiring certain private developments to dedicate funds for public art.

Your Committee further recommends that the proper City officers be directed to immediately implement Objective 2.1.1 which establishes an Arts and Culture Coordinating Committee. Staffing of this committee will be the responsibility of the Department of Community Planning & Economic Development/Planning Division-Cultural Affairs.

Adopted 9/2/05.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Augsburg College to vacate a) a portion of 8<sup>th</sup> St S lying westerly of the west line of 25<sup>th</sup> Ave S and easterly of the west line of 24<sup>th</sup> Ave (#1464); and b) a portion of 24<sup>th</sup> Ave S lying north of Butler Pl and south of 8<sup>th</sup> St S (#1465) (vicinity of 2424 and 2428 Butler Pl and 2405, 2425 and 2431 Riverside Ave), for a 333-space surface parking lot, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolutions vacating said streets.

Adopted 9/2/05.

Resolution 2005R-509, vacating a portion of 8<sup>th</sup> St S lying westerly of the west line of 25<sup>th</sup> Ave S and easterly of the west line of 24<sup>th</sup> Ave (vicinity of 2424 and 2428 Butler Pl and 2405, 2425 and 2431 Riverside Ave), was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-509**

**By Schiff**

**Vacating part of 8<sup>th</sup> Street South (#1464).**

Resolved by The City Council of The City of Minneapolis:

That part of 8<sup>th</sup> Street South lying north of the north line of Block 1, Butlers and Kalkhoffs Subdivision of Blocks 22 and 23, Murphys Addition and the westerly extension of said line to the east line of Block 4, of said Addition; and lying south of the south line of Petersons Subdivision of Block 13, Murphys Addition and the westerly extension of said line to the northerly extension of the east line of Block 4, Butlers and Kalkhoffs Subdivision of Blocks 22 and 23, Murphys Addition is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, that part of 8<sup>th</sup> Street South lying westerly of the west line of 25<sup>th</sup> Avenue South and easterly of the west line of 24<sup>th</sup> Avenue South, being 410.76 feet by 80 feet;

To the City of Minneapolis, subject to an easement for Storm Drain and Water Main purposes over the south 40 feet of the street to be vacated; and

The existing sanitary sewer within the street to be vacated shall be abandoned by the City and shall transfer to the subsequent owner of the vacated street, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 9/2/05.

Resolution 2005R-510, vacating a portion of 24<sup>th</sup> Ave S lying north of Butler Pl and south of 8<sup>th</sup> St S (vicinity of 2424 and 2428 Butler Pl and 2405, 2425 and 2431 Riverside Ave), was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-510**

**By Schiff**

**Vacating part of 24<sup>th</sup> Avenue South (#1465).**

Resolved by The City Council of The City of Minneapolis:

That part of 24<sup>th</sup> Avenue South lying between the east line of Block 4, and the west line of Block 1, Butlers and Kalkhoffs Subdivision of Blocks 22 and 23, Murphy's Addition is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, that part of 24<sup>th</sup> Avenue South lying north of Butler Place and south of 8<sup>th</sup> Street South, measuring 171.43 feet by 80 feet;

To the City of Minneapolis, subject to an easement for Storm Drain purposes over the west 30 feet of the street to be vacated;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 9/2/05.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Open Eye Figure Theatre (BZZ-2506) to rezone the property at 506 E 24<sup>th</sup> St from R4 to the C2 District to permit a live, indoor theater, notwithstanding the staff recommendation, and adopting the related findings prepared by the Minneapolis Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote 9/2/05.

### MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2005, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 9/2/05.

Niziolek introduced the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (moving license fees for taxicabs to Appendix J entitled *License Fees*).

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 529 of the Minneapolis Code of Ordinances relating to *Zoning Code: Interim Ordinances*, which was given its first reading and referred to the Zoning & Planning Committee (bringing the zoning code into compliance with recent changes to state law regarding interim ordinances, including restrictions on the ability to extend an interim ordinance/moratorium beyond a one-year period).

Schiff introduced the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, which were given their first reading and referred to the Zoning & Planning Committee (bringing the zoning code into compliance with recent changes to state law regarding nonconforming uses & structures, including new allowances related to replacing, restoring, or improving nonconformities), as follows:

- a) Amending Chapter 531 relating to *Zoning Code: Nonconforming Uses & Structures*;
- b) Amending Chapter 543 relating to *Zoning Code: On-Premise Signs*;
- c) Amending Chapter 544 relating to *Zoning Code: Off-Premise Advertising Signs & Billboards*.

Schiff introduced the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, which were given their first reading and referred to the Zoning & Planning Committee (establishing a reasonable limit on minimum side and rear yards for residential and hotel uses where such required yards increase based on the height of the building), as follows:

- a) Amending Chapter 548 relating to *Zoning Code: Commercial Districts*;
- b) Amending Chapter 549 relating to *Zoning Code: Downtown Districts*;
- c) Amending Chapter 550 relating to *Zoning Code: Industrial Districts*.

**RESOLUTIONS**

Resolution 2005R-511, recognizing the contributions of Adam J. Kramer to the City of Minneapolis during his career with the Department of Public Works, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-511**

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

**Recognizing the contributions of Adam J. Kramer to the City of Minneapolis during his career with the Department of Public Works.**

Whereas, Adam has devoted 39 years serving as an engineer for the Minneapolis Department of Public Works-Water Treatment and Distribution Services Division; and

Whereas, Adam has played a major role in the development and funding of many water projects over the past four decades; and

Whereas, Adam has been instrumental in developing and maintaining a very successful working relationship with the Minnesota Department of Health; and

Whereas, Adam has developed a vast network of professional relationships through which he has very successfully played to the City's financial advantage in any number of instances; and

Whereas, Adam played such a significant role in the development and construction of the Ultrafiltration Membrane Treatment System to replace an existing out-of-date conventional filtration plant; and

Whereas, Adam was instrumental in replacement of an aged manual control system for the water treatment operations by an automated Supervisory Control And Data Acquisition (SCADA) system; and

Whereas, Adam has served the Department of Public Works in many leadership roles including the past 10 years as Director of Water Treatment and Distribution Services; and

Whereas, Adam has initiated and developed local, statewide, national, and international professional relationships to address the quality of potable water; and

Whereas, Adam has received numerous awards recognizing his accomplishments including the National Association of Metropolitan Water Agencies (AMWA) Gold Award for Competitive Change and Efficiency Gains, AMWA President's Award for Professional Achievement, American Water Works Association LN Thompson Award for Excellence in the Water Works Field; and

Whereas, Adam has established multiple media contacts to highlight the City of Minneapolis Water Works, including CBS Nightly News with Dan Rather, Minneapolis/ St. Paul Magazine, Engineering News Record Magazine, Desalination Report, Water and Waste Engineering Magazine, City Father's Magazine, Sunday Tribune Magazine, and is a published author in "Management Innovation in U.S. Public Water and Wastewater Systems", John Wiley and Sons, Inc., 2005; and

Whereas, Adam's conduct as a Professional Engineer has been exemplary and serves as an example to all of how to provide outstanding service to the community;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That Adam J. Kramer be recognized and commended for the service and leadership he has provided to the City of Minneapolis.

Adopted 9/2/05.

Resolution 2005R-512, honoring Gary Erickson, Assistant County Administrator for Public Works, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-512**  
**By Goodman, Benson and Colvin Roy**

**Honoring Gary Erickson, Assistant County Administrator for Public Works.**

Whereas, Gary Erickson has been employed at Hennepin County since May 18, 1998, starting as the Director of Transit and Community Works; and

Whereas, Gary has worked tirelessly on transportation projects that benefit City, County, Metropolitan and State residents including but certainly not limited to the Hiawatha Light Rail Transit line, Northstar Rail, Central Corridor, Southwest Corridor, Midtown Greenway and Downtown Minneapolis transportation issues, Cedar Avenue transit way and Northwest Corridor transit; and

Whereas, Gary has worked to weave transit corridors into the communities and neighborhoods of the City, including the Humboldt Greenway, Lowry Avenue and Lake Street; and

Whereas, Gary has worked to improve the environment through County environmental remediation programs; and

Whereas, Gary has worked to improve the housing stock of Minneapolis and all of Hennepin County by working on such projects as Urban Village and Heritage Park and partnered with the City to finance many projects through the Affordable Housing Incentive Fund, the Supportive Housing Incentive Fund and the Continuum of Care; and

Whereas, during that time Gary has worked to site a joint Emergency Operating Center with the City so that both entities may benefit and provide the best of emergency response; and

Whereas, Gary has worked steadfastly, moving the City and the County into the future by looking ahead at projects such as the University of Minnesota Stadium and I-35W improvements; and

Whereas, Gary is retiring on September 9, 2005, as the Assistant County Administrator for Public Works, a loss from the ranks of public servants in the truest sense;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis wishes to convey our deep appreciation and recognition for Gary's work in the City and in the surrounding areas.

Be It Further Resolved that the City of Minneapolis will certainly miss Gary - his optimism, his ability and his public spirit.

Be It Further Resolved that the City wishes Gary a wonderful retirement and much success as he enters this new stage in his life.

Adopted 9/2/05.

Resolution 2005R-513, proclaiming September 16th, 2005, as YWCA of Minneapolis-Midtown Day in the City of Minneapolis, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-513**  
**By Schiff**

**Honoring YWCA of Minneapolis-Midtown.**

Whereas, the YWCA of Minneapolis-Midtown celebrates its 5th Anniversary dedicated to implementing the YWCA Mission of eliminating racism and empowering women and girls; and

Whereas, Eleven thousand annual members and program participants improves their own lives and their family's lives through Health and Fitness, Social Justice, Racial Justice, and Children's Center Programs at Midtown; and

Whereas, the Minneapolis Sports Center provides, in conjunction with the YWCA of Minneapolis-Midtown, a place where the Minneapolis School District and the greater Minneapolis community excel in athletics, youth development and competitive sports; and



Whereas, the YWCA of Minneapolis-Midtown hosts candidate forums, voter registration drives, City planning meetings and other non-partisan gatherings to increase the sense of community in the Midtown area; and

Whereas, the YWCA of Minneapolis-Midtown acts as a long standing and committed change agent in Minneapolis, driven to empower its diverse community; and

Whereas, Friday, September 16th is the YWCA of Minneapolis-Midtown's 5th Anniversary Celebration and we wish to honor their dedication to our vibrant community on behalf of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Friday, September 16th, 2005, be proclaimed as YWCA of Minneapolis-Midtown Day in The City of Minneapolis.

Adopted 9/2/05.

Zerby, Benson, Johnson Lee and Samuels offered a resolution supporting a settlement to the Northwest Airlines mechanics strike.

Lost 9/2/05. Yeas, 5; Nays, 8 as follows:

Yeas – Zimmermann, Schiff, Zerby, Johnson Lee, Benson.

Nays – Lilligren, Niziolek, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Resolution 2005R-514, supporting the provision of all available and duly-requested emergency assistance resources of the City of Minneapolis to the areas in the southern United States devastated by Hurricane Katrina, was adopted 9/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2005R-514**

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

**Supporting the provision of all available and duly-requested emergency assistance resources of the City of Minneapolis to the areas in the southern United States devastated by Hurricane Katrina.**

Whereas, the catastrophic impact of Hurricane Katrina has left countless residents of the southern United States homeless and in desperate need of assistance; and

Whereas, the tragedy has resulted in billions of dollars of damage and has crippled the basic infrastructure of cities and towns throughout the southern gulf region of the United States; and

Whereas, the City of Minneapolis has entered into the Emergency Management Assistance Compact in order that our City resources can be of assistance to residents of other state and local governments in times of crisis and emergency; and

Whereas, the City Council of the City of Minneapolis supports and encourages its staff and citizens to extend the maximum effort possible to assist those in need in the wake of this tragedy;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis hereby sanctions the deployment — to the maximum available extent — of its emergency response and related resources in full compliance with the City's defined roles, responsibilities and rights under the Emergency Management Assistance Compact and any other applicable mutual aid agreements, compacts, statutes or directives.

Adopted 9/2/05.

#### **UNFINISHED BUSINESS**

Civilian Review Authority (Postponed 8/19/05): Ordinance amending Title 9, Chap 172 relating to *Fire & Police Protection: Civilian Police Review Authority*, providing for referral of many complaints to mediation; and requiring mandatory participation in good faith in the mediation process:

**H&HS** - Passage of Ordinance.

**PS&RS** - Ordinance **sent forward without recommendation**.

Zerby moved to substitute a new ordinance for the above-mentioned ordinance. Seconded.

Johnson moved a substitute motion to postpone. Seconded.

Goodman moved to call the question on Johnson's motion. Seconded.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays – Lilligren.

Johnson's motion to postpone was adopted 9/2/05. Yeas, 9; Nays, 4 as follows:

Yeas – Schiff, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays – Zimmermann, Zerby, Lilligren, Johnson Lee.

**PS&RS** - Your Committee, having under consideration the application of Town Talk Diner LLC, dba Town Talk Diner LLC, 2707 E Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2006, now recommends that said license be sent forward without recommendation.

Schiff moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the application of Town Talk Diner LLC, dba Town Talk Diner LLC, 2707 E Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2006, now recommends that said license be granted, subject to the following conditions:

a. that a valet parking service shall be offered continuously on Fridays, Saturdays and Sundays, if open for business, from evening opening time to Midnight from the main entrance of the licensed business to the parking lot located at 2800 East Lake St with a minimum of twenty (20) off-street parking spaces available for the valet service, and from evening opening time to Midnight from the main entrance of the licensed business to the parking lot located at 2613 East Lake St with a minimum of twenty (20) spaces.

b. that the licensee shall immediately cease all operations authorized by said license in the event that either of the above-mentioned parking lots shall become unavailable for valet parking use and that the licensee shall continue to refrain from operations until such time as a replacement lot of like size has been obtained for use by the valet parking service.

c. that the licensee shall employ a private, uniformed Minnesota licensed security firm to provide security within the premises and the public sidewalks encompassing the premise on Friday, Saturday and Sunday, if open for business, evenings with such service to commence no later than 8:00 p.m. and end no sooner than fifteen (15) minutes after the last patron has departed the premise. The requirement for said security shall be reviewed after the applicant has been open for business for six (6) months' time and at such time the security requirement may be modified, extended or dropped; however, the City of Minneapolis retains the option of reinstating the requirement should circumstances so dictate at anytime in the future.

d. that the duties of the private security agent(s) shall include ensuring that patrons do not engage in loud or unruly behavior within the premise or in the out of doors environs of the premise, ensuring that prospective patrons and departing patrons do not loiter within the parking area and other out of door environs of the premise.

Adopted 9/2/05.

Declining to vote – Zimmermann.

## NEW BUSINESS

Niziolek introduced an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs and Cats*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing on September 14, 2005 (including ferrets and rabbits in the number of companion animals allowed at a residence).

Ostrow moved to adjourn to Room 315, City Hall, immediately following the Minneapolis Community Development Agency Board (MCDA) Board of Commissioners meeting to consider the matter of MCDA v. Union Pacific Railroad and Reichold. Seconded.

Adopted upon a voice vote 9/2/05.

Room 315 City Hall

Minneapolis, Minnesota

September 2, 2005 – 11:45 a.m.

The Council met pursuant to adjournment.

Council President Ostrow in the Chair.

Present - Council Members Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Colvin Roy, President Ostrow.

Absent – Zimmermann, Lane, Johnson.

### MOTION

Goodman moved passage of the accompanying resolution increasing the appropriation for the Community Planning and Economic Development (CPED) agency by \$337,000 for settlement in the matter of the *Minneapolis Community Development Agency (MCDA) v. Union Pacific Railroad Company, et al. and Reichold, Inc. et al.* Seconded.

Adopted 9/2/05.

Absent – Zimmermann, Lane, Johnson.

### RESOLUTION 2005R-515 By Goodman and Johnson

#### Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Community Development Fund (SPHO-890) by \$337,000.

Adopted 9/2/05.

Absent – Zimmermann, Lane, Johnson.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Ostrow moved to adjourn to Friday, September 16, 2005, at 9:30 a.m. for the purpose of certifying the results of the primary election of September 13, 2005, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the adjourned and regular meetings of September 2, 2005. Seconded.

Adopted upon a voice vote 9/2/05.

(Republished 9/14/05)

Merry Keefe,  
City Clerk.

Unofficial Posting: 9/6/2005

Official Posting: 9/9/2005

Correction: 9/13/2005;

9/23/2005; 10/5/2005; 11/1/2005